

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stephen C. Fredrickson, Assistant General Counsel, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0300, phone (850)413-4144 or email steve.fredrickson@fldfs.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER07-03 Transition Provisions for the Use of the Uniform Mitigation and Verification Inspection Form by the "My Safe Florida Home" Program.

Effective July 1, 2007, insurers shall accept form OIR-B1-1802(7/07) Uniform Mitigation Verification Inspection Form as revised by this rule. Specifically the form is revised to allow the Department of Financial Services to certify that the contents of the form are true and correct as the result of an inspection conducted by a qualified inspector under Section 215.5586(1), Florida Statutes. Form OIR-B1-1804 "Uniform Mitigation Verification Inspection Form (Emergency)" (7/07) is hereby incorporated herein by reference and is available at www.floir.com.

EFFECTIVE DATE JULY 1, 2007.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 627.711 FS. History--New 7-1-07.

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: July 1, 2007

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."

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 2007-231-DAO-ROW), on June 14, 2007, to Richard L. Houghton. The petition for waiver was received by the SFWMD on April 13, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 17, on April 27, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of the L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain

access to the applicant's camp/cabin which is located approximately 3 miles from L-28 in Collier County; within Multiple Sections/T54, 53, 52S/R35E, Broward and Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. 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), Fla. Admin. Code, which governs the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Work 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 Richard L. Houghton 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 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail 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 2007-232-DAO-ROW), on June 14, 2007, to Michael T. and Myra Caldwell. The petition for waiver was received by the SFWMD on March 16, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 13, on March 30, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing cross-fence at the east property line to be extended, and existing deck, trees, landscaping to the top of the canal bank and a planter to remain within the south right of way of C-100A at the rear of 7555 S. W. 108 Terrace; S11/T55S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. 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), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground 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 rules would prevent Michael and Myra Caldwell from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail 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 2007-233-DAO-ROW), on June 14, 2007, to South Florida Anglers for Everglades Restoration. The petition for waiver was received by the SFWMD on March 22, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 14, on April 6, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow the proposed construction of a fish weigh-in pavilion/chickee hut within the south right of way of L-67A at Everglades Holiday Park; S28/T50S/R39E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), 40E-6.221(9), 40E-6.601(3), Fla. Admin. 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), Fla. Admin. Code, which governs: the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Works; the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank within Works or Lands of the District; and payment of Application Processing Fees associated with the review of applications for issuance of Right of Way Occupancy Permits. 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 South Florida Anglers for Everglades Restoration from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on June 8, 2007, South Florida Water Management District (District) received a petition for waiver from Ernest Lee Prather, Application No. 07-0608-3 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Miami-Dade County, to allow utilization of the District's L-28 right of way for temporary vehicular access to privately-owned land lying in multiple Sections through Township 54, 53, 52S, Range 35E. The petition seeks relief from subsection 40E-6.221(9), Fla. Admin. Code, 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 Work 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.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on June 11, 2007, the Department of the Lottery, received a petition for variance of subsection 53ER07-16(3), F.A.C., by and through Essa Khazal, President, G & M Food Store, Inc. Petitioner seeks a variance of the rule regarding active tickets that have been lost, stolen or damaged.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399. Comments on this Petition may be filed by writing to the above address or by calling (850)487-7777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 14, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Canopy Moon Kiosk located in Fernandina Beach. The above referenced F.A.C., states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have a bathroom facility in their facility, but use the bathroom facilities located inside of Bright Mornings due to historical significance.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the public bathroom inside of Bright Mornings is functional, running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed (29) which includes inside and outside seating. All provisos shall be met 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.

NOTICE IS HEREBY GIVEN THAT on May 15, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Cruz Catering Two 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: 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 May 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.0161(2)(c), Florida Administrative Code (F.A.C.), from Indian Hills Golf Course located in Fort Pierce. The above referenced F.A.C., states mobile food dispensing vehicles (MFDVs) shall operate from an approved commissary that meets all applicable requirements of this rule....The Petitioner is requesting a temporary variance to operate a MFDV (trailer) as a permanent structure until their original building is re-built from hurricane damage.

This variance request was approved June 8, 2007, and is for twenty-four (24) months from the date the approved variance is date stamped by the Agency Clerk. Water and wastewater are to be directly plumbed into the local municipality for potable water and sewage disposal. All required backflow prevention devices are to be installed in accordance with the local municipality authority and the 2001 FDA Food Code Section 5-202.14. Electrical wiring shall be hard-wired with no extension cords to be used. 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 May 22, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Tamaulipeco located in Quincy. 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....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

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 May 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from That's a Moray located in Apalachicola. The above referenced F.A.C., states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have a bathroom facility in their facility, but use the bathroom facilities located inside of the chamber of commerce, Apalachicola River Keeper, or the courthouse due to historical significance.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the public bathroom inside of the Chamber of Commerce, Apalachicola River Keeper, and the Courthouse is functional, running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. No seating shall be permitted. All provisos shall be met 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.

NOTICE IS HEREBY GIVEN THAT on May 25, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from New York Pizza located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

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 May 30, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida

Administrative Code, from Hurricane Oyster Bar and Grill located in Santa Rosa Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed sixty-four (64) which includes inside and outside seating. All provisos shall be met 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.

NOTICE IS HEREBY GIVEN THAT on June 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Gelateria Adria located in Pinellas Park. 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....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

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 June 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Saladworks located in Miami. 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.... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

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

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance from Giesecke and Devrient America, Inc., Petitioner, filed January 19, 2007, and advertised in the issue Vol. 33, No. 6, F.A.W.

The Final Order on a Petition for Variance from Giesecke & Devrient America, Inc., Petitioner, in DBPR Case No. 2007004109 (VW 2007-013) grants the Petitioner authority to omit certain information from the required Form DBPR PMW-3440 relevant to a single director of a parent corporation who lives overseas and has no direct involvement in the Petitioner's business activity within the United States. The Final Order grants a limited variance to the maintenance of that information on Form DBPR PMW-3440 in order to comply with the intent of subsection 61D-14.059(3)(h), F.A.C. The Final Order further enforces all remaining provisions of that rule and all other application requirements. The Final Order is optional permitting the Petitioner to follow the original requirement of the rule or not to submit application.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 May 15, 2007, the Department of Environmental Protection, received a petition for the Florida Keys Aqueduct Authority J. Robert Dean Water Treatment Plant seeking a variance from Rule 62-521.400, F.A.C., to allow construction of a Class I deep injection well within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 07-0824.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the Board of Dentistry, received a petition for waiver or variance of subsection 64B5-2.021(1), F.A.C., with regards to the composition of remedial training required to take the dental licensing examination after a third failure of the examination from Kanesha I. Scott, D.D.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the Board of Medicine filed a Petition for Waiver submitted by Jesse Brancalone, seeking a waiver from subsection 64B8-45.001(1), F.A.C., with regard to the limitation on the number of hours permitted for home study continuing education. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 18, 2007, the Florida Housing Finance Corporation, received a petition for Variance or Waiver paragraph 67-48.018(1)(b), Florida Administrative Code, from National Development Foundation, Inc. ("Petition"). The Petition is seeking a waiver of the rules regarding a waiver the commitment requirements for funding and withdrawal of the previous commitment of funds.

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 AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee (PREC)** announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting the Pesticide Registration Section at (850)487-2130 or from the PREC website: <http://www.flaes.org/pesticide/pesticideregistration.html>.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 17, 2007, 9:00 a.m.

PLACE: Suwannee Regional Library, 1848 South Ohio Avenue, Live Oak, Florida 32060, (352)362-2317

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control at (850)921-4177.

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

The **Florida Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 31, 2007, 10:00 a.m.

PLACE: Tropical Aquaculture Lab, 1408 24th Street, S. E., Ruskin, FL 33570

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be reviewing unfunded research projects submitted for the 2007-2008 fiscal year.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Kim Norgren as soon as possible.

The **Division of Agricultural Water Policy** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 17, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: The Marriott Resort, 400 S Collier Blvd., Marco Island, FL 34145, 1(800)438-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reports and discussion will include water resource issues related to agriculture.