

**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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**Section V**  
**Petitions and Dispositions Regarding Rule**  
**Variance or Waiver**

**DEPARTMENT OF LEGAL AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on May 7, 2007, the Department of Legal Affairs, Division of Victim Services and Criminal Justice Programs, received a petition for 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3351.

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on May 10, 2007, the Florida Department of Law Enforcement has issued an order.

Criminal Justice Standards and Training took action on a petition for waiver received from Charles Kline, on April 20, 2007. Notice of this petition was published in the F.A.W., Vol. 33, No. 18, May 4, 2007. No public comment was received. Petitioner requested a waiver of paragraph 11B-20.0016(1)(c), F.A.C., pursuant to Section 120.542, F.S. Petitioner requested that the Department waive the affiliation requirements for instructors.

On May 10, 2007, the Criminal Justice Standards and Training Commission denied a waiver of this rule to Charles Kline, in a final order, OGC File No.: VAR 07-11. This rule waiver was denied because the petitioner failed to demonstrate that a strict application of the rule would result in undue hardship to him or would affect him differently than other similarly situated persons and because the petitioner could not successfully fulfill the requirements of Section 943.14, F.S., by other means.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Department of Highway Safety and Motor Vehicles, received a petition for Variance From or Waiver of subsection 15A-10.029(5), F.A.C. The above referenced Florida Administrative Code rule provides that a person is not eligible for reinstatement in the Special Supervision Services program, who has been previously reinstated and had that reinstatement cancelled due to current substance abuse. The rule also provides that in such a situation, the person must serve the entire statutory revocation period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark J. Hiers, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Suite A-432, MS-02, Tallahassee, Florida 32399-0504.

**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 THAT on May 4, 2007, the Florida Public Service Commission, received a petition for a variance from subsection 25-6.0342(2), Florida Administrative Code, from Florida Public Utilities Company in Docket No. 070300-EI. The rule requires all investor-owned utilities to file storm hardening plans no later than 90 days after the effective date of the rule (May 7, 2007). Comments on the petition should be filed with the Florida Public Service Commission, Office of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at <http://www.psc.state.fl.us/>. For additional information, please contact Lorena Holley, Office of the General Counsel, at the above address or telephone (850)413-6193.

**WATER MANAGEMENT DISTRICTS****NOTICE OF DISPOSITION**

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2007-115-DAO-ROW), on May 10, 2007, to Jose

and Connie Alvarez. The petition for waiver was received by the SFWMD on March 26, 2001. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 27, No. 14, on April 6, 2001. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing fence enclosure encroaching 10' to 17' (40' to 33' from the top of bank) to remain within the south right of way of C-100C at the rear of 9821 S. W. 130th Street; S16/T37S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within forty feet of top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Jose and Connie Alvarez 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

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#### NOTICE OF DISPOSITION

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2007-116-DAO-ROW), on May 10, 2007, to Alfred James Kennedy. The petition for waiver was received by the SFWMD on March 29, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 15, on April 13, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of 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 3.5 miles from L-28 in Collier County; the L-28 is located in Broward and Miami-Dade Counties; Multiple Sections/T546S/R35E, Broward and Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the 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 Alfred James Kennedy 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

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#### NOTICE OF DISPOSITION

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2007-117-DAO-ROW), on May 10, 2007, to Gilberto and Caridad Lugo. The petition for waiver was received by the SFWMD on November 8, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 47, on November 22, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing, unauthorized pile-supported boat dock to remain within the east right of way of C-10 adjacent to 2666 Coolidge Street in Hollywood; S9/T51S/R42E, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the minimum low member elevation of pile-supported docking facilities 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 Gilberto and Caridad Lugo 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

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#### NOTICE OF DISPOSITION

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2007-118-DAO-ROW), on May 10, 2007, to Clinton R. Ritter and Debra Toms. The petition for waiver was received by the SFWMD on March 28, 2007. Notice of receipt

of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 15, on April 13, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing, unauthorized boat dock with lift and roof and a pier and irrigation pump to remain within the northeast right of way of L-47 adjacent to 7864 Highway 441, Southeast; S5/T38S/R36E, Okeechobee County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the minimum low member elevation of pile-supported docking facilities and placement of irrigation pumps 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 Clinton R. Ritter and Debra Toms 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, Florida 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

NOTICE IS HEREBY GIVEN THAT on June 12, 2007, the St. Johns River Water Management District, intends to grant a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (December 3, 2006), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to Laguna Estates, LLC for the construction of a mutli-family, two-slip dock. The project is located in Section 1, Township 26 South, Range 36 East, Brevard County, Florida. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (December 3, 2006), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II and shellfish harvesting waters and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to Class II waters. The petitioner seeks a variance pursuant to Section 373.414(17), Florida Statutes (F.S.), in conjunction with Environmental Resource Permit Application 4-009-89906-2, to construct a multi-family, two-slip dock. The work would occur in the Indian River Lagoon which in this area is a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the F.A.W., on August 25, 2006. The

District's Governing Board is scheduled to take final action on the petition for variance and the related permit application at its meeting on June 12, 2007.

A person whose substantial interests are or may be affected by the District's intended action has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received), either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwm.com](mailto:Clerk@sjrwm.com), within fourteen (14) days of this publication date (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, F.S., is not available.

If the Governing Board takes action that substantially differs from this notice, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described above, within fourteen (14) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing the notice of final District decision (for those persons to whom the District emails actual notice), or within fourteen (14) of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). The petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. Mediation pursuant to Section 120.573, F.S., is not available.

A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, F.A.C. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), F.S., where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, F.A.C.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida. Petitions received by the District Clerk after 5:00 p.m., or on a Saturday, Sunday, or

legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at [www.sjrwm.com](http://www.sjrwm.com). These conditions include, but are not limited to, the petition being in the form of a PDF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

Pursuant to Section 120.68, F.S., a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, F.S., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S.

Failure to observe the relevant time frames for filing a petition for administrative hearing under Sections 120.569 and 120.57, F.S., for judicial review under Section 120.68, F.S., or for Commission review under Section 373.114, F.S., will result in waiver of that right to review. A District action (order) is considered rendered after it is signed on behalf of the District and filed by the District Clerk.

The petition for variance (F.O.R. 2006-76) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters. To request copies or inspection of these files, contact Mary Ellen Winkler, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)312-2340.

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

NOTICE IS HEREBY GIVEN THAT on April 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Solórzano Pizza Cafe located in Sarasota. 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 35.

This variance request was approved May 8, 2007 and is contingent upon the Petitioner ensuring the public bathroom 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-five (35) 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.

To obtain a copy of the approved variance you may contact [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on April 20, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from The Hungry Greek located in Tampa. 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 42.

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

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

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NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Viet Noodle Restaurant located in Clermont. 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 27.

This variance request was approved May 8, 2007, and is contingent upon the Petitioner ensuring the public bathroom 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 (27) 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us

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NOTICE IS HEREBY GIVEN THAT on April 30, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Door to Door Deli located in Clearwater. 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 two 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.

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NOTICE IS HEREBY GIVEN THAT on April 30, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Leo and Ana 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.

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NOTICE IS HEREBY GIVEN THAT on May 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from George's Canteen located in Clearwater. 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 May 1, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from J&B Sandwiches located in Indialantic. They are requesting a variance to not have bathroom facilities within the establishment but use an adjacent establishment's 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.

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NOTICE IS HEREBY GIVEN THAT on May 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 Pizza Chef of Sarasota. 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 41.

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 May 8, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from RC Catering 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.

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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."

NOTICE IS HEREBY GIVEN that on April 13, 2007, the Department of Environmental Protection, has issued an order.

The order granted the petition for waiver filed by the Town of Inglis on February 27, 2007. The order allowed the Town to obtain a second grant under Chapter 62-552, F.A.C. Grants are limited to one per recipient under paragraph 62-552.370(1)(e), F.A.C. The Town demonstrated substantial hardship and that the purposes of the underlying statute would be met with the granting of the waiver. The Notice of Receipt was published in the F.A.W., on March 16, 2007, and no comments were received.

A copy of the Order may be obtained by contacting: Craig Diltz, MS 3505, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8371.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 8, 2007, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on March 6, 2007 by Kelly Matthews-Maxon. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 11, of the March 16, 2007, F.A.W. The Petitioner requested a variance or waiver of paragraph 64B9-3.002(1)(f), F.A.C., requiring applicants who have been convicted of felonies to demonstrate restoration of their civil rights as a condition of licensure. The Board of Nursing considered the Petition at its meeting held on April 12, 2007, in Tampa, Florida. The Board's Order, filed on May 8, 2007, approved the Petition for Variance or Waiver, finding that, given the particular circumstances that the record demonstrates, the petition is in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, that the purpose of the underlying statute has been met and that the Board application of the rule to Petitioner would violate principles of fairness.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

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## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Financial Services Commission  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission  
 Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection  
 DATE AND TIME: June 12, 2007, 9:00 a.m.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter