

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly.

69L-6.032 Contractor Requirements for Obtaining Evidence that Subcontractors Possess Workers' Compensation Insurance or Otherwise Comply with Chapter 440, Florida Statutes.

(1) No change.

(2) If a workers' compensation insurance policy has been issued to the subcontractor, the contractor, as described in subsection (1) of this rule may obtain one of the following documents as evidence of workers' compensation insurance for a subcontractor.

(a) through (c) No change.

1. through 6. No change.

~~7. The issue date of the Certificate of Liability Insurance precedes the date the subcontractor commenced work on each project for which the contractor sublet any part of his or her contract work to the subcontractor; and~~

7. The date(s) the work is being performed by the subcontractor for the contractor falls within the Policy Effective and Policy Expiration dates listed on the Certificate of Liability Insurance.

(3) through (9) No change.

The remainder of the rules read as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-170.0155 Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 17, April 27, 2007 issue of the Florida Administrative Weekly.

Forms OIR-B1-1655 "Notice of Premium Discounts for Hurricane Loss Mitigation" and OIR-B1-1802 "Uniform Mitigation Verification Inspection Form" have been revised to reflect comments submitted at the public hearing. The revised forms are available from the contact person, Chris Bailey at chris.bailey@fldfs.com.

**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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on May 11, 2007, the Officer Professionalism Program, Florida Department of Law Enforcement, received a petition for waiver of Rule 11B-30.006, F.A.C., from Christopher C. Sloan. Petitioner seeks a waiver of the provision of the rule requiring recruits to complete training, pass the State Officer Certification Examination, and become employed within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. Comments on this Petition may be filed by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on May 4, 2007, the Florida Department of Law Enforcement, received a petition for waiver of paragraph 11C-6.004(3)(b), F.A.C., pursuant to Section 120.542, F.S., from the National Foundation to Prevent Child Sexual Abuse, Inc., Palm Beach County. Petitioner wishes to waive fees associated with volunteer subject inquiries under the National Child Protection Act of 1993, as amended.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Assistant General Counsel Grace A. Jaye, Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, or by calling (850)410-7676. Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on May 21, 2007, the Department of Transportation has issued an order.

The Order Denying Petition for Variance or Waiver denied the Petition of Montgomery Ventures, Inc., seeking a variance or waiver from the provisions of paragraph 14-10.007(6)(b), F.A.C. The Petition was received by the Department on

February 21, 2007. The Department published its notice of receipt of the petition in the April 13, 2007, edition of the Florida Administrative Weekly. Rule 14-10.007, F.A.C., provides that nonconforming signs are deemed abandoned if no advertising copy is posted for a 12 month period. The Department's Order, issued in DOT Case No. 07-010, dismissed the petition because Petitioner did not demonstrate the loss of a single nonconforming sign would cause a substantial hardship or violate principles of fairness or that the underlying purpose of a single nonconforming sign would cause substantial hardship or violate principles of fairness or that the underlying purpose of Section 479, Florida Statutes, would be achieved by other means.

A copy of the Order may be obtained by contacting: the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

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 on May 10, 2007, the St. Johns River Water Management District, received a petition for 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 Application 4-009-109446-1. The permit applicant is proposing to construct a surface water management system that will serve a proposed facility known as Rodes Park, comprising a community center, athletic fields, and walking trails on a 136-acre site. The proposed wet detention surface water management system would discharge into the Melbourne-Tillman Water Control District canal system, which in turn discharges to coastal waters. 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 2007-46.

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.

NOTICE IS HEREBY GIVEN THAT on May 10, 2007, South Florida Water Management District (District) received a petition for waiver from Michael Lurie, Application No. 07-0510-1M for issuance of a Modification to Right of Way Occupancy Permit 12846 for utilization of Works or Lands of the District known as the C-23, Martin County, to allow an existing extension of an elevated walkway crossing the north right of way of C-23 to remain. Section 2, Township 37S, Range 40E. The petition seeks relief from paragraph 40E-6.221(2)(i), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments 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 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 1413, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on May 10, 2007, South Florida Water Management District (District) received a petition for waiver from Alexander Vennos, Application No. 07-0510-2M for issuance of a Modification to Right of Way Occupancy Permit 12962 for utilization of Works or Lands of the District known as the C-23, Martin County, to allow an existing extension of an elevated walkway crossing the north right of way of C-23 to remain. Section 2, Township 37S, Range 40E. The petition seeks relief from paragraph 40E-6.221(2)(i), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments 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 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 1413, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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 Codes 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.

This variance request was approved May 21, 2007 and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 7, 2007, the Board of Accountancy, received a petition for Pedro P. Delgado, seeking a variance or waiver of subsection

61H1-31.001(9), Florida Administrative Code, which establishes the deadline for submitting the laws and rules examination for licensure renewal.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, 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.

NOTICE IS HEREBY GIVEN THAT on May 7, 2007, the Board of Accountancy, received a petition for Lynn Finkelstein, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, 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.

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 14, 2007, the Department of Environmental Protection has issued an order.

The order closed the file on the Virotec AquaSolve variance petition OGC #06-2391. The variance petition was received on November 28, 2006. Notice of receipt of this petition was published in the F.A.W., on January 12, 2007. The petition had requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3), Florida Administrative Code. No public comment was received. The Department received a request to withdraw the petition from Virotec on April 6, 2007.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on May 1, 2007, the Department of Environmental Protection has issued an order.

The order is for the Redox Tech LLC variance petition (OGC File No. 07-0202), received on February 5, 2007. The petition requested a variance from the zone of discharge (ZOD) prohibition for discharges through wells under subsection

62-522.300(3), F.A.C., for the use of ABC+ to cleanup sites contaminated with chlorinated ethenes, several chlorinated alkanes, and potentially chlorinated phenols, pesticides, biphenyls, and other related contaminants. Specifically, the variance requested a ZOD for total recoverable petroleum hydrocarbons (TRPH) and ethanol within a 50-foot radius from the point of discharge for a duration of 365 days. Notice of receipt of this petition was published in the F.A.W., on March 23, 2007. No public comment was received. The final order granted a variance from the ZOD prohibition because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The conditions require that the use of this product must be through a Department-approved remedial action plan, or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the ZOD for TRPH and ethanol shall be a 50-foot radius from the point of injection and the duration of the ZOD shall be one year; that the injection of ABC+ shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of ABC+ based on site-specific hydrogeology and conditions.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Department of Environmental Protection, received a petition for Charlotte County Utilities Burnt Store Facility 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. 07-0706.

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.

NOTICE IS HEREBY GIVEN THAT on May 3, 2007, the Department of Environmental Protection, received a petition for Publix Super Markets, Inc. seeking a variance from

paragraph 62-521.400(1)(m), F.A.C., to allow a fuel tank to be located within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 07-0764.

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 April 18, 2007, the Board of Dentistry, received a petition for waiver or variance filed by Jamie Gutierrez, D.D.S., for paragraph 64B5-2.013(2)(e), F.A.C., asking to sit only for the written part of the examination for licensure regarding the rules and laws section. Petitioner asserts that having to retake the entire examination would result in substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on May 18, 2007, the Board of Medicine, received a petition for waiver or variance filed by Sarla Sanjani, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical training directly from Petitioner's training program. 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a meeting to which all persons are invited.

DATE AND TIME: June 9, 2007, 9:00 a.m. – 4:00 p.m

PLACE: University of South Florida Sarasota-Manatee Campus, Selby Auditorium D103, 8350 North Tamiami Trail, Sarasota, FL 34243

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 2nd Quarterly Meeting of the Florida Commission on the Status of Women.