

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V**Petitions and Dispositions Regarding Rule Variance or Waiver****BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 11, 2007, the Suwannee River Water Management District has issued an order.

This Order granted Variance under Section 120.542, F.S., to Jerry and Janet Barnes, for a Work of the District residence (ERP07-0542). The petition for variance was received by SRWMD on November 27, 2007. Notice of receipt of the Petition requesting the Variance was published in F.A.W., Vol. 33, No. 49 on December 7, 2007. No public comment has been received. This Order provides a variance of SRWMD's criteria for subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirement, and paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement within Township 6 South, Range 14 East, Section 17, Lafayette County. SRWMD granted the Petition because the petitioner has demonstrated that the purpose of the statute underlying the rule will be met, and that the petitioner would suffer economic hardship if required to comply with the rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the South Florida Water Management District (District), received a petition for waiver from the City of Miami Springs, Application Number 07-1015-1 for issuance of a Standard Right of Way Number 13217, for utilization of Works or Lands of the District known as the C-6 Canal, Dade County, Section 3, Township 53 South, Range 40 East, to allow the proposed placement of a guardrail within 40 feet of the top of the canal bank and within the District's 100 foot long designated equipment staging area. This Petition for Waiver amends a

previous petition submitted by the City. The Petition seeks relief from subsections 40E-6.011(4), (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above ground encroachments within 40 feet of the top of the canal bank and within the District's 100 foot long designated equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@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 1411, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on November 26, 2007, the South Florida Water Management District (District), received a petition for waiver from William Michael Lowe, Jr., Application No. 07-1126-2 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), Florida Administrative 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 for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@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: Juli Triola, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Agency for Health Care Administration, received a petition for Emergency Variance From or Waiver of paragraph 59C-1.018(3)(b), F.A.C., filed by Hillsborough Extended Care, LLC. This rule is related to the extension of the validity period of a certificate of need (CON) in the event the holder of the CON is precluded from commencement of the project due to litigation, including appeal, of a final order approving the issuance of the certificate of need. This request for extension must be submitted in writing at least 15 calendar days prior to the termination date. Any interested person, party, or other agency may submit written comments on the petition by close of business on Friday, December 27, 2007.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, (850)922-5873, Fax (850)921-0158, novakl@ahca.myflorida.com. Written comments should also be sent to this contact person.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 9, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(5), Florida Administrative Code, from Coffee Shop in Embassy Suites Hotel located in Jacksonville. The above referenced F.A.C. refers to Chapter four in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to warewashing equipment in food service establishments. The Petitioner is requesting to share warewashing facilities and service sink equipment with a licensed food service establishment on the same premises.

A copy of the Petition for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 15, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Juice and Java located in Boca Raton. 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 for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 27, 2007, the Florida Department of Business and Professional Regulation, 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 Jett Catering 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 for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us

NOTICE IS HEREBY GIVEN THAT on November 28, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-1.004(1), Florida Administrative Code, from Naples Bay Resort Yacht Club located in Naples. The above referenced F.A.C. refers to Chapter five in the 2001 Federal Food and Drug Administration (FDA) Food Code and service sink equipment in food service establishments. The Petitioner is requesting to share service sink equipment with a licensed food service establishment on the same premises.

A copy of the Petition for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 3, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from D'Lites Emporium located in The Villages. 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 for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 6, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Rick's Diner located in Port St. Lucie. 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 use centrally located bathroom facilities.

A copy of the Petition for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 3, 2007, the Board of Accountancy, received a petition for Laura Jaslow, 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 proceeding the date of an application for reactivation. Petitioner is also seeking a waiver of subsection 61H1-31.001(4), F.A.C., which states that the fee for reactivation of an inactive status license is \$250.00.

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

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DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Board of Clinical Laboratory Personnel has issued an order. hereby gives notice that it rendered an Order granting the Amended Petition for Variance or Waiver of Rule 64B3-5.003, F.A.C., filed by Beulah F. Briones on October 16, 2007. The Board considered this matter during a duly-noticed, public meeting on November 16, 2007 and determined the Amended Petition should be granted on the following grounds:

1. Section 120.542(2), Florida Statutes (2007), provides that "[v]ariations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate the principles of fairness."

2. Based on the documentation submitted by the Petitioner, the Board concluded the goals of the underlying statutes would be achieved by granting the requested variance. In addition, the Board also concluded the facts set forth in the Amended Petition demonstrated that denying the Petitioner's request would amount to a "substantial hardship" and "violate the principles of fairness."

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

The Board of Physical Therapy Practice hereby gives that the petition filed by Manju C. Philip on August 15, 2007, seeking a variance or waiver from paragraph 64B17-3.001(5)(b), F.A.C., has been withdrawn. The Notice of Petition published in Vol. 33, No. 36 of the September 7, 2007 issue of the F.A.W.

The person to be contacted regarding this petition is: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Physical Therapy Practice hereby gives that the petition filed by Alexandra Ann Zephirin on August 10, 2007, seeking a variance or waiver from Rule 64B17-3.003, F.A.C., has been withdrawn. The Notice of Petition published in Vol. 33, No. 34 of the August 24, 2007 issue of the F.A.W.

The person to be contacted regarding this petition is: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on December 10, 2007, the Board of Podiatric Medicine, received a petition for Mark E. Spier, DPM, seeking a variance or waiver of Rule 64B18-17.005, F.A.C., which states that during the first biennium of initial licensure, practitioners are required to obtain five (5) hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Podiatric Medicine within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Florida Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Gabriel G. Sanchez, M.D., for variance to paragraph 64E-2.004(3)(c), F.A.C., is granted. For the purposes of Section 401.265(1), F.S., this temporary variance will allow Gabriel G. Sanchez, M.D., to continue as medical director without board certification while serving as medical director for Americare Ambulance Service Inc.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399, Lisa_Walker2@doh.state.fl.us, (850)245-4440, ext. 2733.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following sub-committee telephone conference meetings which all persons are invited to attend.

Subcommittee on Improving Foster Care and Family Issues