

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 18, 2008

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

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 July 2, 2008, the South Florida Water Management District (District), received a petition for waiver from Green Dadeland Station, Ltd., Application No. 08-0213-1 for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County for the proposed installation of bulk heading and rip-rap protection, bike path and walkways, trees, light poles, benches and trash receptacles within the C-2 rights of way; Section 35, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs placement of permanent and semi-permanent above-ground structures within 40' of top of canal bank and within designated 100' long equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or email at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by

the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on July 10, 2008, the South Florida Water Management District (SFWMD) Governing Board has issued an order.

Order No. 2008-327-DAO-ROW grants a waiver under Section 120.542, Florida Statutes, to Michael J. Meives. The petition for waiver was received by the SFWMD on April 24, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 19, on May 9, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing dock with walkway and associated facilities including the proposed addition to the existing dock as well as various landscaping features, consisting of steps, walkway, decorative posts, boulders, trees, and plantings within the north right of way of C-17 at the rear of 572 Anchorage Drive; Section 16, Township 42 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and 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 the placement of permanent and/or semi-permanent above ground facilities within 40 feet 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 District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Michael J. Meives from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone number (561)682-6320 or by e-mail at kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 10, 2008, the South Florida Water Management District (SFWMD) Governing Board has issued an order.

Order No. 2008-328-DAO-ROW grants a waiver under Section 120.542, Florida Statutes, to Adam and Lila Smith. The petition for waiver was received by the SFWMD on April 29, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34,

No. 19, on May 9, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow four existing palm trees, 13-14 feet from the top of canal bank to remain within the west right of way of C-100A at the rear of 14701 S. W. 76th Terrace; Section 23, Township 55 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), 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 40 feet 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 District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Adam and Lila Smith from suffering a violation of the principles of fairness.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6320 or by e-mail at kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on July 7, 2008, the Florida Department of Business and Professional Regulations, Alcoholic Beverages and Tobacco Division, received a petition for waiver of Rule 61A-3.039, Florida Administrative Code, from Whole Foods Market, along with its affiliate Wild Oats Markets, Inc. The petition seeks relief from the implementation of Section 562.13, Florida Statutes, which prohibits the employment of minors by any vendors licensed under the Beverage Law. Rule 61A-3.039, Florida Administrative Code, defines a grocery store as any premise for which a beer or beer and wine package only license is issued.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cecelia D. Jefferson at (850)921-8963 or e-mail at Cecilia.Jefferson@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 15, 2008, 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 Art of Food located in Miami. 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 share bathroom facilities with an adjacent establishment and have no seating.

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 July 15, 2008, 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(6), Florida Administrative Code (F.A.C.) from Jimmy Buffet's Margaritaville located in Orlando. The above referenced F.A.C. references the provisions of Chapter 6, 2001 Federal Drug Administration Food Code, which prohibits live animals on the premises of a food establishment. They are requesting a variance to have animals (birds) present outside a food service establishment.

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 July 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on June 26, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Marchello's Pizzeria and Restaurant located in Lutz. 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 share bathroom facilities with an adjacent establishment and have seating for seventy.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located off a hallway within Funs LLC are functional, have hot and cold running water at all times, provided with soap and an approved hand drying device, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within and immediately outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than seventy seats which includes both inside and outside seating. This variance is not transferable under any conditions and will be re-evaluated if ownership changes at either establishment (Marchello's Pizzeria and Restaurant and Funs LLC). 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 7, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on July 2, 2008, for subsection 61C-4.010(7), Florida Administrative Code, from Nestle Toll House Cafe located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated....They are requesting a variance to use common area bathroom facilities located approximately 426 feet in distance.

This variance request was approved and is contingent upon Petitioner ensuring the public restrooms located 426 feet away are functional, has hot and cold 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. 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on July 2, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizzeria Napoletana located in Miami. 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 public bathrooms located in a common area and have seating for eight.

This variance request was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have 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. Petitioner will have no more than eight (8) seats which include 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 7, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on June 26, 2008, for an Emergency Variance for subsection 61C-4.010(5), Florida Administrative Code, from the Ritz Carlton Hotel located in Amelia Island. The above referenced F.A.C. refers to Chapter four in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapter in the 2001 FDA Food Code refers to warewashing requirements in food service establishments. The Petitioner is requesting to share warewashing facilities with a licensed food service establishment on the same premises.

This variance request was approved and is contingent upon the Petitioner ensuring a sufficient number of three-compartment sinks or mechanical warewashing machines for washing, rinsing, and sanitizing equipment and utensils for the licensed main kitchen and the ballroom inside the Ritz Carlton Hotel. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. If the menu changes or expands in any manner or operating hours or accessibility for the licensed main kitchen changes, this variance request will be re-evaluated. All provisos shall be met prior to final 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 8, 2008, the Board of Accountancy, received a petition for Carshena R. Thompkins, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

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.

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 July 22, 2008, the Florida Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, Florida Statutes (F.S.) from the provisions of paragraphs 62-4.242(2)(a), (2)(b), 62-302.700(1), 40C-4.301(1)(e) and subsection 62-302.530(31), Florida Administrative Code (F.A.C.), to the U.S. Army Corps of Engineers, (File No. 0180701-008-BV) to establish a maximum allowable turbidity level of 20 Nephelometric Turbidity Units (NTU) above background upriver of Brickell Bridge; a minimum allowable level for Dissolved Oxygen of 2.0 mg/L upriver of Brickell Bridge; a maximum allowable turbidity level of 15 NTUs above background downriver of Brickell Bridge, not to exceed an absolute turbidity level of 20 NTUs; and a minimum allowable level for Dissolved Oxygen of 3.0 mg/L downriver of Brickell Bridge. This temporary variance shall only be valid during the construction activities authorized in Environmental Resource Permit No. 0180701-004 EI (current expiration date of September 23, 2009), including subsequent modifications, and following issuance of the associated minor permit modification (File No. 0180701-007-EM). The maintenance dredging activity is located in the Miami River and extends into Biscayne Bay, while material processing activities are adjacent to the Miami River, Miami-Dade County, Sections 27, 28, 33, 34, 35 Township 53 South, Range 41 East and Section 38 Township 54 South, Range 41 East, Class III Waters, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

A person whose substantial interests are affected by the Department's action may petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, Florida Statutes, is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a

modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsections 28-106.111(2) and subparagraph 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.301, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any,

which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on July 23, 2008, the Florida Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under section 403.201 of the Florida Statutes (F.S.) from the provisions of paragraphs 62-4.242(2)(a), (2)(b), 62-302.700(1), 40C-4.301(1)(e) and 62-302.530(31), Florida Administrative Code (F.A.C.), to the Miami-Dade County Department of Environmental Resources

Management (DERM), (File No. 0194694-008-BV) to establish a maximum allowable turbidity level of 20 Nephelometric Turbidity Units (NTU) above background and a minimum allowable level for Dissolved Oxygen of 2.0 mg/L. This temporary variance shall only be valid during the construction activities authorized in Environmental Resource Permit No. 0194694-003 EI (current expiration date of September 23, 2009), including subsequent modifications, and following issuance of the associated minor permit modification (File No. 0194694-007-EM). The maintenance dredging activity is located in the Miami River, upriver of Brickell Bridge, while material processing activities are adjacent to the Miami River, Miami-Dade County, Sections 27, 28, 33, 34, 35 Township 53 South, Range 41 East and Section 38 Township 54 South, Range 41 East, Class III Waters, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

A person whose substantial interests are affected by the Department's action may petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, Florida Statutes, is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel, Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the

applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.301, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the: Clerk of the Department; Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, FL 32399.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition, filed on July 18, 2008, by Edwin Bayo on behalf of Maritza Vega, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior; and/or subsection 64B5-7.003(4), F.A.C., with respect to the unacceptability of experience obtained by an individual pursuant to a permit issued under the authority of Rule 64B5-7.003, F.A.C. and Section 466.025, F.S., for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on July 17, 2008, the Board of Medicine, received a petition for Variance or Waiver submitted by Terri L. Hartsfield, seeking a permanent waiver or variance from subsection 64B8-52.003(5), F.A.C., with regard to the restriction on the number of home study hours

permitted for the purposes of 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.

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.

NOTICE IS HEREBY GIVEN THAT on July 16, 2008, the Board of Pharmacy, received a petition for Hadya Alameddine, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that the applicant be certified by the Foreign Pharmacy Graduate Examination Committee to have passed the FPGEE, the Test of English as a Foreign Language, and the Test of Spoken English. Petitioner is also seeking a variance or waiver of subsection 64B16-26.204(4), F.A.C., which requires compliance with Rule 64B16-26.205, F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 8, 2008, the Board of Pharmacy, received a petition for Lesbia Diaz, seeking a variance or waiver of paragraph 64B16-26.203(3)(a), Florida Administrative Code, which requires that candidates for licensure by examination reapply if all requirements for licensure are not met within one year of the receipt of the application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida Agriculture in the Classroom, Inc. announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, August 14, 2008, 1:00 p.m. – 4:00 p.m.; Friday, August 15, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Don CeSar Resort, 3400 Gulf Blvd., St. Pete Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom, Inc., Board of Directors will meet for its annual retreat.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla by calling (352)846-1391 or emailing gaskalla@ufl.edu.

The Florida Agricultural Horse Park and Agricultural Center Authority announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, August 19, 2008, 3:00 p.m. and 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3:00 p.m. meeting is for the various committees of the authority. The 5:30 p.m. meeting is a full board meeting to discuss general authority business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doac.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: September 9, 2008, 10:00 a.m.

PLACE: Hawthorne-Hyatt Suites, 7450 Augusta National Drive, Orlando, Florida (adjacent to Hilton Garden Inn Airport location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by contacting: Robert H. Jacobs, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, or by calling Robert Jacobs at (850)488-9790.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Robert Jacobs at (850)488-9790. If you are hearing