

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on April 1, 2008, the Department of Community Affairs, Division of Community Planning, received a petition for variance from the City of Cocoa relating to the schedule for local governments to transmit and submit their evaluation and appraisal reports (“EAR”) as mandated by Section 163.3191, Florida Statutes. The petitioner seeks a retroactive variance which would extend its deadline to submit its EAR from September 1, 2007 until October 1, 2007. This waiver is being requested pursuant to the provisions of Section 120.542, Fla. Stat., and Rule 28-104.002, Florida Administrative Code. The Petition has been assigned the number DCA08-WAI-098.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on April 15, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subparagraphs 11B-20.0014(3)(b)1.-2, F.A.C., from Lake City Community College Criminal Justice Programs. Petitioner wishes to waive the requirement that an instructor be entered into ATMS and be certified prior to teaching a course. Petitioner’s instructor, Gregory Burnsed, had completed all requirements for certification prior to instructing a course, but Petitioner had neglected to enter the instructor into ATMS and have the instructor certified prior to assigning the instructor a course to teach.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676. Comments on the petition may also be directed to the above.

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 April 21, 2008, the South Florida Water Management District, received a petition for waiver from Collier County Board of County Commissioners, Application Number 08-0407-2, for issuance of a Modification of Standard Right of Way Occupancy Permit Number 13171 for utilization of Works or Lands of the District known as the Henderson Creek Canal, Collier County, for a proposed pedestrian bridge in conjunction with the Henderson Creek Canal multi-use Pathway. The Petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of pile-supported facilities 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 e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attention: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 9, 2008, 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 Taco Rock #3 located in Cantonment. 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 for patrons and they are requesting a variance to have a seating capacity of twenty-nine (29).

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 April 16, 2008, 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 Café Rendez-Vous located in Seaside. 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 sixty.

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 April 16, 2008, 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 Deco Café located in Inverness. 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 for patrons and they are requesting a variance to have a seating capacity of seventeen (17).

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 April 16, 2008, the Florida Department of Business and Professional Regulation, 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 the Rollin Lunch Box located in Naples. 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 April 17, 2008, 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 Tropical Smoothie Café located in Tallahassee. 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 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 April 15, 2008, the Board of Accountancy, received a petition for David Codner, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

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, (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 April 17, 2008, the Board of Accountancy, received a petition for Veronica Garcia, 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, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE OF WITHDRAWAL – The Board of Accountancy hereby gives that the petition filed by Albert Haab, C.P.A., on February 25, 2008, seeking a variance or waiver from subsection 61H1-33.001(1), F.A.C., has been withdrawn. The Notice of Petition published in Vol. 34, No. 10 of the March 7, 2008, issue of the Florida Administrative Weekly.

The person to be contacted regarding this petition is: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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 8, 2008, the Department of Environmental Protection has issued an order.

On December 13, 2007, the Department of Environmental Protection's Northwest District Office, received a petition for a waiver from Goose Bayou Committee, Homeowners Association. Notice of receipt of the petition was published in the Florida Administrative Weekly on February 8, 2008, Vol. 34, No. 6. The petition requested a waiver from the provision of Rule 62-312.050, F.A.C., Exemptions for Dredge and Fill Activities, which provides exemptions to the requirement of a permit for certain dredge and fill activities. No public comment was received. The Order, DEP file number 03-0283867-001-DE, OGC file number 07-2627, denied the Petition for waiver, based on a lack of showing that Petitioner had successfully fulfilled the requirements of the underlying statute.

A copy of the Order may be obtained by contacting: Marlane Castellanos, Department of Environmental Protection, 2353 Jenks Avenue, Panama City, Florida 32405, (850)872-4375.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Oscar Arevalo. The Notice of Petition for Variance was published in Vol. 33, No. 49, of the December 7, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 7, 2008.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his residency experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Angela T. Cannon. The Notice of Petition for Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on April 3, 2008, denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-9.011(4)(b), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting, Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Mounika Falemban, D.D.S. The Notice of Petition for Variance was published in Vol. 33, No. 47, of the November 21, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 7, 2007. The Board's Order, filed on January 4, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies and practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), Florida Statutes, and subsection 64B5-2.0146(2), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Ernesto Ganaim, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 8, of the February 22, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008. The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies and practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), Florida Statutes and subsection 64B5-2.0146(2), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Maurice Goldberg, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 8, of the February 22, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on March 31, 2008, dismisses and denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes and Rule 28-104.002, Florida Administrative Code. Specifically, the Petition did not contain the following: appropriate caption, citation to applicable rule, citation to the statute the rule is implementing, specific facts demonstrating hardship or a violation of principles of fairness, or reasons why the waiver would serve the purpose of the underlying statute. Based upon the foregoing, the Board determined that Petition for a waiver or variance is DISMISSED and DENIED.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Taeheon Kang, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 9, of the February 29, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his supplemental studies practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), Florida Statutes and subsections 64B5-2.0146(2) and 64B5-7.003(4), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Lan-Chen Kou. The Notice of Petition for Variance was published in Vol. 34, No. 8, of the February 22, 2008, Florida Administrative Weekly. The Petitioner filed an Amended Petitioner for Variance or Waiver from subsection 64B5-2.0146(2), F.A.C. on February 20, 2008. The Amended Petition for Variance or Waiver was noticed in the Florida Administrative Weekly in Vol. 34, No. 10 on March 7, 2008. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studied practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), Florida Statutes and subsections 64B5-2.0146(2) and 64B5-7.003(4), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Hossein Pahanhi, D.M.D. The Notice of Petition for Variance was published in Vol. 34, No. 8, of the February 22, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his residency experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2) and/or 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles

of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Brenda L. Pedroza. The Notice of Petition for Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on April 3, 2008, denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-9.011(4)(b), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Jennifer J. Schuttig. The Notice of Petition for Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on April 3, 2008, denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-9.011(4)(b), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Allyn Segelman, D.M.D, S.M. The Notice of Petition for Variance was published in Vol. 33, No. 50, of the December 14, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 7, 2007, in Ft. Lauderdale, Florida. An Order Denying Petition for Variance or Waiver was filed January 4, 2008. The Respondent verbally declined to amend his Petition and waived his right to a Section 120.57(1), F.S., hearing requesting to be heard by the Board for a hearing not involving disputed issues of material fact pursuant to Section 120.57(2), Florida Statutes, at their March 7, 2008 meeting. The matter came before the Board of Dentistry at a duly-noticed public meeting on March 7, 2008, in Tampa, Florida, pursuant to Section 120.57(2), Florida Statutes.

The Board's Final Order, filed on March 26, 2008, grants the Petition for Variance or Waiver for this very unique case, finding that 1) Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes, in that he demonstrated that the purpose of the underlying statute, Section 466.006, Florida Statutes, will be achieved by other means. This conclusion was supported by information provided in his Petition for Variance or Waiver, the Petition for Hearing, his testimony at the December 7, 2007, hearing and his testimony at the March 7, 2008 hearing; 2) Petitioner demonstrated that in this very unique situation, strict application of Rule 64B5-2.013, Florida Administrative Code, would create a substantial hardship. The Board made this conclusion based on from information provided in the Petition for Variance or Waiver, the Petition for Hearing, his testimony at the December 7, 2007 hearing, his testimony at the March 2008 hearing and the supplemental information he provided to the Board; 3) The Board concluded that Petitioner demonstrated that in his very unique situation, strict application of Rule 64B5-2.013, Florida Administrative Code, would violate the principles of fairness. The Board based this conclusion on information provided in the Petition for Variance or Waiver, the Petition for Hearing, his testimony at the December 7, 2007 hearing, his testimony at the March 7, 2008 hearing and the supplemental information he provided to the Board.

A copy of the Board's Final Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Kesia C. Sexton. The Notice of Petition for Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on April 3, 2008, denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-9.011(4)(b), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Flavio Soares, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 9, of the February 29, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his supplemental studies practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Jennifer P. Sorroza, D.D.S. The Notice of Petition for Variance was published in Vol. 33, No. 19, of the December 7, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 7, 2007.

The Board's Order, filed on March 31, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically: Petitioner is otherwise qualified in accordance with Section 466.006(3), Florida Statutes; Petitioner has demonstrated how the purpose of the underlying statute would

be achieved or has been achieved by other means as evidenced through her supplemental studies practice experience; Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsections 64B5-2.0146(2) and 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Karen Way. The Notice of Petition for Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on March 6, 2008.

The Board's Order, filed on April 3, 2008, denies the Petition for Variance or Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has not demonstrated how the purpose of the underlying statute has been achieved. Additionally, Petitioner has not demonstrated that strict application of paragraph 64B5-9.011(4)(b), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on April 15, 2008, the Department of Financial Services, Division of Legal Services, has issued an order.

The Order as follows:

THIS CAUSE came on for consideration of and final agency action on a Petition For Variance From subparagraph 69B-211.042(10)(a)6., F.A.C. Essentially, Petitioner Stair asks for relief from the application of the waiting period prescribed by that rule so as to allow his immediate licensure as an insurance agent despite his acknowledged criminal history. In support of his request, Petitioner argues that the waiting period is too long and will result in an economic hardship to him, and that, if licensed, the supervision of his mother, a licensed insurance agent, would adequately protect the interests of the insurance-buying public.

Having considered the petition, there is nothing therein that would not be found in every petition requesting a variance from the rule in question. Every such petition would urge "economic hardship" as a justification for the requested variance. If such justification were to be accepted, the rule would quickly become meaningless. Rendering administrative rules meaningless is not the purpose of Section 120.542, Florida Statutes. Rather, the purpose of that statute is to allow for infrequent exceptions to the application of administrative rules only upon the showing of a substantial hardship or the violation of principles of fairness. The Petitioner has not demonstrated that he will be unable to make a living in another profession or trade, and has thus failed to show that the application of the rule's waiting period will, in and of itself, cause him an economic hardship other than that to which he is already subject. Additionally, the Petitioner has made no showing that he is being treated significantly different than any other person in a similar situation, and has thus failed to show that the principles of fairness are being violated.

Finally, it does not appear that mere supervision by a family member would adequately serve the purpose of the underlying statute, which is to ensure the integrity of the insurance profession, and to safeguard the public from those who might be easily tempted to misuse their license.

ACCORDINGLY, it is hereby determined that the Petition should be and is hereby denied.

A copy of the Order may be obtained by contacting: Michael Davidson, Assistant General Counsel at (850)413-4178.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: May 8, 2008, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Budget Committee.

DATE AND TIME: May 13, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: May 13, 2008, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Task Force.

DATE AND TIME: May 14, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: May 15, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: May 15, 2008, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Meeting.

DATE AND TIME: May 21, 2008, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame/History Committee.

DATE AND TIME: May 22, 2008, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc.

DATE AND TIME: May 28, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. 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).