

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Rick Scott**

Governor

**John H. Armstrong, MD, FACS**

State Surgeon General &amp; Secretary

**Vision:** To be the Healthiest State in the Nation

October 15, 2015

Mr. Lanny Gardner, Agent for:  
LJ Gators LLC, Applicant  
27205 Overseas Highway  
Ramrod Key, Florida 33043

RE: Variance Request for an Onsite Sewage Treatment and Disposal System  
Variance Application #12760  
Florida Department of Health in Monroe County Reference #44-SK-1628864  
Parcel Number: 00114030-000500/27205 Overseas Highway, Monroe County  
Variance from Section: 64E-6.001(4)(c), FAC; 64E-6.001(4)(f), FAC; 64E-6.001(2), FAC;  
64E-6.006(4), FAC; 381.0065(3)(b), FS

Dear Mr. Gardner:

The Variance Review and Advisory Committee for the Onsite Sewage Treatment and Disposal Program has recommended disapproval of your application for variance in the case of the above referenced property. After reviewing your request and considering the committee's recommendation, I have approved your request for variance subject to the following requirements:

1. The onsite sewage treatment and disposal system shall be abandoned and the facility connected to the central sewer system within 90 days of notification of the availability of such a system.
2. The establishment shall have no more than 150 seats.
3. The applicant shall continue to comply with all requirements of the Corrective Action Plan executed between the Department of Health and L. J. Gators, LLC, dated August 31, 2015.

This variance, as approved, applies only to those sections of the law or rules referenced above and in no way exempts compliance with other state and local regulations.

If you have any questions please call Ed Williams at (850) 245-4444 ext. 2793.

Sincerely,

Andrew Reich, MS, MSPH, RRT  
Interim Chief, Bureau of Environmental Health

AR/ew  
Enclosure

cc: Florida Department of Health in Monroe County

**Florida Department of Health**

Division of Disease Control & Health Protection • Bureau of Environmental Health  
4052 Bald Cypress Way, Bin A-08 • Tallahassee, FL 32399-1710  
PHONE: 850/245-4250 • FAX: 850/487-0864

**www.FloridaHealth.gov**

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### NOTICE OF RIGHTS

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Rule 28-106, Florida Administrative Code. A petition for administrative hearing must be in writing and must be received by the Agency Clerk for the Department, within twenty-one (21) days from the receipt of this order. The address of the Agency Clerk is 4052 Bald Cypress Way, BIN # A02, Tallahassee, Florida 32399-1703. The Agency Clerk's facsimile number is 850-410-1448.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a 'final order'.

Should this order become a final order, a party who is adversely affected by it is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of rendition of the final order.