

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on November 24, 2008, the Florida Department of Transportation issued an Order Conditionally Granting Petition for Variance filed by Baker County, seeking a variance from the provisions of Rule 14-94.003, F.A.C. The Petition was received by the Department on February 6, 2008, and considered complete on April 10, 2008. The Department published its notice of receipt of the petition in the February 29, 2008, edition of the Florida Administrative Weekly. Rule 14-94.003, F.A.C., sets forth statewide minimum level of service standards to be used in the planning and operation of the State Highway System. The Department's order, issued in DOT Case No. 08-015, conditionally granted the petition because Baker County satisfied the requirements for a variance and agreed to conditions necessary to achieve the purpose of the underlying statutes. The order provides Baker County a temporary variance to the level of service standard for Interstate 10, conditioned on the implementation of a transportation action plan.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on November 3, 2008, the Florida Public Service Commission has issued an order.

DOCKET NO.: 080547-GU – Petition for permanent waiver of requirements of subsections 25-7.084(2) and 25-7.085(4), F.A.C., to fully recognize the accuracy and efficiency benefits of automatic meter readings, by Florida Division of Chesapeake Utilities Corporation.

The petition of the Florida Division of Chesapeake Utilities Corporation was approved by the Commission at its October 14, 2008, Agenda Conference. Order No.: PSC-080730-PAA-GU, issued November 3, 2008, memorializes that decision, and permits the waiver of the above-referenced rules to the extent that they require monthly

meter readings taken from the meter at the customers' premises. Notice of the petition was published in the FAW on September 12, 2008.

A copy of the Order may be obtained by contacting: Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on November 19, 2008, the Agency For Health Care Administration Health Facility and Agency Licensing, received a petition for Variance from subsection 59A-18.004(4), Florida Administrative Code (F.A.C.).

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Burke Consulting Corporation d/b/a Granny Nannies of Sarasota. Petitioner operates a nurse registry in Geographic Service Area 8 with an office located in Sarasota County. Petitioner wants to serve patients in an adjacent county, Manatee, located in Geographic Service Area 6 under the existing license issued to the Petitioner which specifies that services be confined to Geographic Service Area 8. The Petition requests a variance from subsections 59A-18.004(4), 59A-18.004(4), F.A.C., implements Section 400.497, Florida Statutes. This rule requires all nurse registries to apply for a geographic service area on their initial license application. Subsection 59A-18.004(4), F.A.C. states:

"All nurse registries must apply for a geographic service area on their initial license application. Nurse registries may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to Section 408.032(5), F.S., and Section 400.497(7), F.S., in which the main office is located. However, any agency holding a current nurse registry license from AHCA, as of the effective date of this rule, may continue to serve clients in those counties listed on its current license."

Petitioner is seeking a permanent variance from the rule in order to service an adjacent county from one physical location even though the two counties are in different Geographic Service Areas. The Agency will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time).

A copy of the Petition for a Variance may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop 3, Tallahassee, Florida 32308. For additional information, please contact Vikram Mohan, Office of the General Counsel, at the above address, or telephone (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 19, 2008, the Board of Professional Surveyors and Mappers, received a petition for American Congress on Surveying and Mapping, seeking a waiver or variance of Rule 61G17-5.0043, Florida Administrative Code, which requires that continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Professional Surveyors and Mappers within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Tuong Vi T Lee, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 45, of the November 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008. The Board's Order, filed on November 14, 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, Florida Statutes; Petitioner has demonstrated that strict application of paragraph 64B5-2.013(1)(c), Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of paragraph 64B5-2.013(1)(c), 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.

NOTICE IS HEREBY GIVEN THAT on November 20, 2008, the Board of Medicine, received a petition for waiver or variance filed by Gloria Esperanza Galdamez, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the

requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: 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 November 24, 2008, the Board of Medicine, received a petition for waiver or variance filed by Felipe Gustavo Gercovich, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: 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 November 24, 2008, the Board of Athletic Training received an emergency petition for permanent waiver filed by Janna K. Peters, with regard to the requirement for successful passage of the Board of Certifications examination. Comments on this petition should be filed with the Board of Athletic Training, 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, Board of Athletic Training, at the above address, or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on November 18, 2008, the Department of Health, received a petition for Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from David Wamsley, CEO K12 Urban Corp., located in Tallahassee, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on November 25, 2008, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for Waiver from Richard F. Mihalich.

Nature of Rule: For a paramedic whose certificate has been on inactive status for more than 1 year, one of the requirements to activate his or her certificate is to pass the paramedic certification examination. Should the applicant fail the examination, he or she must meet the requirements for initial certification.

Petitioner took the paramedic exam on November 15, 2008 and failed.

Petitioner is requesting a waiver from this rule requirement so that he may retake the exam.

All comments and requests for copies of the petitions must be received in writing by December 26, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email lisa_walker2@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 19, 2008, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for Variance from Okaloosa County EMS.

Nature of Rule: Requires each ALS permitted vehicle when available for call to be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Tables I and II. Table II, Equipment (v) requires electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 1/1/2008).

Petitioner has had a purchase order in to Physio Control to install the waveform capnography since September 19, 2007. Physio Control has been under an injunction by the FDA that has prevented them from installing the upgrade. Petitioner is awaiting the FDA clearance and is requesting temporary variance from this rule requirement until May 31, 2009.

All comments and requests for copies of the petitions must be received in writing by December 26, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email lisa_walker2@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on November 25, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Kids Hope United and Margaret Davis, assigned Case No. 08-030W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Faginal Jones at (850)921-8132.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on November 25, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.0075(7)(a)(1), Florida Administrative Code, from Georgia Apartments, LLC., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete the automatic forgiveness term for supplemental loans awarded during the 2007 Universal Application Cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 4, 2009, 10:00 a.m. (EST)

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of state historical marker applications.