

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 40, October 3, 2008 Florida Administrative Weekly has been continued from April 28, 2009 to May 13, 2009.

**Section IV
Emergency Rules**

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission received a petition from Progress Energy Florida, Inc., filed March 20, 2009, in Docket No. 090145-EI, seeking a waiver from subsections 25-6.0143(c), (d), and (f), Florida Administrative Code. The rule provides guidance regarding the expenses that can be charged to the Storm Damage Reserve. Comments on the petition should be filed with: Florida Public Service Commission Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (<http://www.psc.state.fl.us/>). For additional

information, please contact Katherine Fleming Office of the General Counsel, at the above address or telephone (850)413-6218.

NOTICE IS HEREBY GIVEN THAT on April 15, 2009, the Florida Public Service Commission, received a petition for DOCKET NO. 090189-SU – Application for original certificate for a proposed wastewater system and request for bifurcation in Franklin County by Water Management Services, Inc.

In Re: Petition received from Water Management Services, Inc. (WMSI) seeking a waiver from portions of subsection 25-30.033(1), Florida Administrative Code (F.A.C.). The rule provides for information that a utility subject to the Commission’s regulation must provide in its application for an original certificate of authorization and initial rates and charges. WMSI has requested that the Commission bifurcate the certification and rate setting portions of this proceeding, so that the rate setting portion will be reached only in the event that a certificate of authorization is granted. Accordingly, WMSI has requested a waiver of those portions of the rule which pertain to the utility’s application for initial rates and charges, or paragraphs (k), (t), (u), (v), and (w) of subsection 25-30.033(1), F.A.C.

Comments on the petition should be filed with: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. For additional information, please contact: Anna Williams, Office of the General Counsel, at the above address or telephone (850)413-6076.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the South Florida Water Management District (District) has issued an order.

SFWMD Order No. 2009-100-DAO-ROW was issued to the Florida Department of Transportation (Application No. 07-1220-1M). The petition for waiver was received by the SFWMD on December 20, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 34, No. 3, on January 18, 2008. No public comment was received. This Order provides a waiver of the District’s criteria for the proposed replacement of the Krome Avenue Bridge crossing the C-6 Canal; Section 9, Township 52 South, Range 39 East, Miami-Dade 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, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of

permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank and governs the minimum low member elevation of pile-supported facilities 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 the Florida Department of Transportation from suffering a substantial hardship.

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, (561)682-6320, or by email: kruff@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on April 2, 2009, the Agency for Workforce Innovation, received a petition for temporary waiver from paragraph 60BB-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of Putnam and St. Johns Counties, 200 Reid Street, Suite 2, Palatka, Florida 32177.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

The Department of Management Services, E 911 Board hereby gives notice that it has received a petition, filed on April 28, 2009, from Hendry County seeking a waiver or variance of Rule 60FF-5.002, F.A.C., with respect to the rule allowing grant funding for only two PSAPs in each county and the unique situation of having an Indian Reservation in the county that operates independently of the County. Comments on this petition should be filed with the E911Board, 4030 Esplanade Way, Suite 235M, Tallahassee, FL 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact: John C. Ford, Chair, E911 Board, at above address or telephone (850)921-2334.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Karen Koelemij of Casa Calderon in Tallahassee (VW 2009-076).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from ASME A17.3 requiring an emergency access hatch from Chuck Sanz representing Horizon House in Naples (VW 2009-077).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 8, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Minor Hart on behalf of 410 Wilma Condo Association, Riviera Beach (VW 2009-078).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 8, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rule 2.1.6.2, ASME A17.1, 2005 which requires a 75 degree bevel on all projections into the shaft greater than 4 inches. The request was filed by Larry Bradley on behalf of St. John's River Power Park in Jacksonville (VW 2009-079).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from William Snyder representing Clearwater Point 7 Condominium Association (VW 2009-085).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 requiring modernization of the elevator from Pat Brier, Vice President, 200 Ocean Road Condo (VW 2009-086).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for extension/waiver from unspecified rules from Noel Wildman, President for Blue Surf condominium in Daytona Beach Shores (VW 2009-087).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Therese A. Wagner on behalf of Gulf Towers Condo Association, Inc., Naples (VW 2009-088).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 3.11.3, 3.11.1 and 2.7.4, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, two-way communication and restricted door openings, from William Snyder representing 50 Harbor View Lane Condominiums, Bellair Bluffs (VW 2009-089).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Elizabeth Rumbarger of White Sands Condominium Association, Inc. (VW 2009-091).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rule 2.8.2.4, ASME A17.1 which prohibits foreign piping in the elevator machine room. The petition was received from Michael Shumack on behalf of the Greater Orlando Aviation Authority (VW 2009-093).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unspecified sections of ASME A17.3, from Rhona Gross on behalf of Willow Wood Mid-Rise Condominium II Association (VW 2009-094).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from unspecified sections of ASME A17.3, from Rhona Gross on behalf of Willow Wood Mid-Rise Condominium III Association (VW 2009-095).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 21, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from unspecified rules which prohibits unauthorized personnel access through the machine room and requiring 7 foot clearance in the machine room from Mark DeWitt of Traveler Elevator on behalf of Most Worshipful Union Grand Lodge in Jacksonville (VW 2009-096).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 21, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Irmagard Engleson, President, Excelsior Beach to Bay Owners Association, Inc. in Sarasota (VW 2009-097).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, 2.7.4, 3.11.1, 3.4.5 and 1.5, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, two-way communication,

restricted door openings and car illumination from Rosalyn Smith on behalf of Watersedge Bldg. D in Delray Beach (VW 2009-098).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance until December 31, 2010 from Rule 5.4, A17.3, 1996 which requires a minimum of 5 ft. on all escalator landing floor plates and exposed stair treads from Michael Shumack representing the Greater Orlando Aviation Authority (VW 2009-099).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Andy Schmitt on behalf of Town & Country Professional Center, Tampa (VW 2009-101).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unknown sections of A17.3, 1996 which requires Fire recall and emergency signal alarm phone from Charles DiCroce on behalf of The Landfall Condominium Association, Jupiter Island (VW 2009-102).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for emergency variance from Rule 2.14.1.7, ASMEA17.1, which requires a handrail on the outside perimeter of the cartop. The request was received from Wayne Ernst of Oracle Elevator on behalf of USF Residence Facility, Tampa (VW 2009-103).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, 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(7) and 61C-4.010(6), Florida Administrative Code, from Loven Pizza located in Dunedin. The above referenced F.A.C. addresses the requirement that public food service establishments must provide an accessible bathroom for their customers. They are requesting to share the bathroom located within an adjacent public food service located within 300 feet within the same strip mall.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 10, 2008, by Edward B. Alexander. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 45, of the November 7, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61H1-33.0031, F.A.C., entitled "Continuing Professional Education/Ethics" which requires that a licensee complete four hours of Board-approved ethics continuing professional education in a reestablishment period. Petitioner also sought a waiver or variance of paragraphs 61H1-33.0031(a) and (b), F.A.C., entitled "Continuing Professional Education" which requires that in any given reestablishment period, at least 80 hours of CPE be earned and the licensee submit additional hours of CPE if they do not timely meet the initial requirements for CPE within their reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held December 4, 2008, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.304, Florida Statutes, would be met by granting a variance or waiver from Rule 61H1-33.0031, F.A.C. The Board also found that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraphs 61H1-33.0031(a) and (b), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on April 6, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on August 28, 2008, by Michael Danahar. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 44, of the October 31, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which 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 for the first test section passed. The Board considered the instant Petition at a duly-noticed public telephonic meeting on November 17, 2008.

The Board's Order, filed on April 6, 2009, approved the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Board of Accountancy, received a petition for Joseph W. Davis, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31 and will not be accepted if it is postmarked or completed on-line after that date. Petitioner is also seeking a variance or waiver of 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 7, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 3, 2008, by Kevin Donald. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 3, of the January 23, 2009, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.001(5)(a), F.A.C., entitled "College or University Requirements," which requires that an applicant for licensure

hold a baccalaureate degree from an accredited college or university and that 36 semester or 54 quarter hours earned in accounting education be above the elementary level. The Board considered the instant Petition at a duly-noticed public telephonic meeting, held February 27, 2009.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.001(5)(a), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on April 6, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 15, 2008, by Paula Heacox. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 2, of the January 16, 2009, Florida Administrative Weekly. The Petitioner sought a waiver or variance of paragraphs 61H1-33.003(1)(a) and (b), F.A.C., entitled "Continuing Professional Education," which requires that the licensee submit additional hours of continuing education if he/she does not timely meet the initial requirements for continuing professional education within his/her reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held January 28, 2009, in Gainesville, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraphs 61H1-33.003(1)(a) and (b), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: 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."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Ana Maria Chimeno de Buzzi, seeking a variance or waiver of paragraph 64B4-3.003(3)(b), F.A.C., which requires that the examination for licensure as a mental health counselor is The National Clinical Mental Health Counseling Examination (NCMHCE).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 28, 2009, the Board of Medicine, received a petition for waiver or variance filed by Petrea P. Tomko, from subsection 64B8-30.003(1), F.A.C., with regard to the requirement for letters of recommendation for physician assistant applicants. 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 April 14, 2009, the Board of Psychology, received a petition for Gregory Evan Golden, Psy.D., seeking a variance or waiver of Rule 64B19-13.003, F.A.C., which requires that sponsors providing continuing psychological education be approved by the Board or the American Psychological Association.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 21, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Office of Trauma, has issued an order.

A petition was filed by Holmes Regional Medical Center with the Department of Health on February 5, 2009, and published in the Florida Administrative Weekly on February 20, 2009, requesting an emergency variance from paragraph 64J-2.011(3)(a), Florida Administrative Code, which requires

that a Level II Trauma Center maintain standards as stated in DH Pamphlet 150-9 Trauma Center Standards, which is incorporated by reference. Specifically, trauma centers must have a minimum of five qualified trauma surgeons assigned to the trauma service, with at least two surgeons available to provide primary and backup trauma coverage 24 hours a day at the trauma center when summoned. DHP 150-9, III.A.1. The trauma surgeons must be approved for full and unrestricted surgical privileges to provide general surgical and trauma care surgical services for adult and pediatric patients. DHP 150-9, III.A.3.b. Petitioner then filed a motion on March 4, 2009, to convert the emergency petition to a standard petition, giving the Department of Health 90 days to respond. Petitioner is requesting this variance for Dr. Johnson, a qualified trauma surgeon who has applied for but does not currently have general surgical privileges.

The Department of Health, Office of Trauma has granted the request for variance. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Petitioner has demonstrated that the purpose of the underlying statute will be achieved as Dr. Johnson will not be used as a trauma surgeon for purposes of satisfying the staffing requirements for backup coverage under DHP 150-9, III.A.1., but may be used for primary coverage. When Dr. Johnson is providing primary coverage, the minimum number of trauma surgeons providing primary and backup coverage will be increased to three.
- (b) A substantial hardship would be placed upon Petitioner and the surrounding communities if this variance were not granted.

Wherefore, based on the Findings of Fact and Conclusions of Law, a temporary variance has been granted until October 18, 2009, to allow Holmes Regional Medical Center to use Dr. Johnson in partial satisfaction of the minimum staffing requirement of five qualified trauma surgeons while awaiting Dr. Johnson's receipt of general surgical privileges.

A copy of the Order may be obtained by contacting: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2760, Fax: (850)488-2512, susan_mcdevitt@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Lewis M. Carroll, assigned Case No. 09-012W. Subsection 65C-15.017(3), F.A.C., require staff of a licensed child-placing agency who perform casework services have a bachelor's degree in social work or a related field.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, 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 Yanila Llompert, assigned Case No. 09-015W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a bachelor's or master 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: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Department of Children and Families has issued an order.

Petitioner Lewis Carroll requested a waiver on March 13 of the requirements in subsection 65C-15.017(3), Florida Administrative Code, that staff of a licensed child-placing agency who perform casework services have a bachelor's degree in social work or a related field. Mr. Carroll has a bachelor's degree in finance and real estate, which does not satisfy the subject rule, however, he does have extensive child welfare services experience and training. Given petitioner's demonstration of his qualifications, strict application of the rule would pose an undue hardship on him. Without the waiver, petitioner would not be able to obtain employment in a casework supervision position. Petitioner's request for a waiver of subsection 65C-15.017(20), F.A.C., is granted.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on April 17, 2009, the Florida Department of Financial Services has issued an order.

The Order was regarding the Amended Petition for Variance From Rule 69B-231.090, F.A.C., served on February 3, 2009, by Timothy Michael Crowley. The Notice of Petition for Variance was published in Vol. 35, No. 7, of the February 20, 2009, Florida Administrative Weekly. The Petitioner sought a variance from subsection 69B-231.090(6), F.A.C., to place him on probation for 12 months and require his supervision by a licensed insurance agent, and impose a fine, all in lieu of suspending his licenses. The Department's Order denied the

petition, finding that the Petitioner had not supplied sufficient information to allow the Department to further consider the matter.

A copy of the Order may be obtained by contacting: Michael H. Davidson, Assistant General Counsel, Department of Financial Services, 200 East Gaines Street, Suite 612, Tallahassee, Florida 32399-0333, (850)413-4178.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: May 27, 2009, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including