

(j)(mm) Rule 61J2-17.015, F.A.C. – failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.	\$300.00
--	----------

(3) through (5) No change.

Rulemaking Specific Authority 475.05 FS. Law Implemented 455.224, 475.25(1) FS. History–New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, 2-21-02, 2-5-04, 1-30-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~September 5 February 19, 2008~~

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

Board of Chiropractic

RULE NO.: 64B2-11.001
RULE TITLE: Application for Licensure Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

The Rule Development publication date listed in the Notice of Proposed Rulemaking should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: January 23, 2009

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-5.002
RULE TITLE: Continuing Education Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: 64F-9.001, 64F-9.002, 64F-9.003, 64F-9.004, 64F-9.005
RULE TITLES: Definitions, Eligibility for ESP Services, Individual Action Plan (IAP), Prevention Program Activities, ESP Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012
RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.008
RULE TITLE: Notice required for buildings with light-frame truss-type construction

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**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.”

EXECUTIVE OFFICE OF THE GOVERNOR**Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27MER09-1	Economic Gardening Business Loan Pilot Program
27MER09-2	Competitive Application for Selection as Loan Administrator
27MER09-3	Certification Decision

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Legislature designated Emergency Rulemaking as the appropriate process for promulgating rules for the Economic Gardening Business Loan Pilot Program as stated in Section 288.1081(7) (2009), F.S.

SUMMARY: These rules provide procedures for implementing the Economic Gardening Business Loan Pilot Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michell Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1092, The Capitol, Tallahassee, Florida 32399, (850)487-2568

THE FULL TEXT OF THE EMERGENCY RULE IS:

27MER09-1 Economic Gardening Business Loan Pilot Program.

As used in Emergency Rules 27MER09-1, 27MER09-2, and 27MER09-3 the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at <http://www.flgov.com/otted> home or may be obtained from the Office.

(1) “Act” means the Economic Gardening Business Loan Pilot Program, Section 288.1081, F.S.

(2) “Agreement” means the standard “Economic Gardening Business Loan Administrator Agreement” form OTTED 8102-4 (3/09), which is hereby incorporated by reference.

(3) “Applicant” means a corporation that seeks selection under Section 288.1081, F.S., as a Recipient of funds to provide loans pursuant to the Act.

(4) “Application” means the standard “Application for Selection as Loan Administrator under the Economic Gardening Business Loan Pilot Program” form OTTED 8102-1 (3/09), which is hereby incorporated by reference.

(5) “Application Evaluation Form” means the standard “Economic Gardening Loan Pilot Program Application Evaluation” form OTTED 8102-2 (3/09), which is hereby incorporated by reference.

(6) “Application Period” means the period during which Applicants submit Applications, which shall be received by the Office between May 18 through June 5 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

(7) “Eligible” means that an Applicant has demonstrated they be a Florida Corporation not-for-profit incorporated under Chapter 617, F.S., which has its principal place of business in Florida, have five years of verifiable experience of lending to businesses in Florida and have satisfied of each of the requirements specified in Section 288.1081, F.S.

(8) “Loan Administrator” means an Applicant that, after a competitive selection process, the Office selects to receive Program funds and that executes an Agreement with the Office.

(9) “Office” means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(10) “Program” means the Economic Gardening Business Loan Pilot Program established by Section 288.1081, F.S.

(11) “Review Committee” means a committee of no more than eight (8) individuals selected by the Office which includes representation from the finance and lending community, Enterprise Florida, and the business community or a representative of the business community.

(12) “Summary Ranking and Recommendation Form” means standard “Economic Gardening Business Loan Pilot Program Summary Ranking and Recommendation Form” form OTTED 8102-3 (3/09), which is hereby incorporated by reference.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History—New 5-13-09.

27MER09-2 Competitive Application for Selection as Loan Administrator.

(1) An Applicant shall submit the original and three copies of its completed Application to the Office during the Application Period.

(2) The Office shall date and time stamp all Applications upon receipt, and thereafter take reasonable steps to preserve the integrity of the Application and any revisions.

(3) Upon the close of the Application Period, the Review Committee shall have ten (10) business days to review each Application for completeness and to notify any Applicant in writing if the Review Committee determines that its Application is incomplete. The Review Committee’s notice shall specify the reasons for its determination, and the Applicant shall have ten (10) business days after receipt of such notice to submit a revised Application to the Office. If the Applicant fails to submit a revised Application within the required time, the Review Committee shall notify the Applicant in writing that it is removed from further consideration.

(4) The Review Committee shall evaluate each complete Application and document its evaluation using the Application Evaluation Form. No officer, director, employee, or agent of any Applicant shall participate in the evaluation process.

(5) Within thirty (30) days after the close of the Application Period, the Review Committee shall deliver to the Office the completed Summary Ranking and Recommendation Form along with the original and one copy of each Application and its related Application Evaluation Form.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History--New 5-13-09.

27MER09-3 Certification Decision.

(1) Within ten (10) business days after receiving the Summary Ranking and Recommendation Form and supporting materials, the Office shall notify the Applicant or Applicants has/have been selected by the Review Committee as the Loan Administrator.

(2) The Office shall issue a letter to each Applicant selected as a Loan Administrator. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification shall be subject to review under Chapter 120 of the Florida Statutes.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History--New 5-13-09.

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: May 13, 2009

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."

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on May 5, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a

maximum of 30 days before losing eligibility to receive services. The petition was filed by the Early Learning Coalition of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida 33605.

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.

NOTICE IS HEREBY GIVEN THAT on May 5, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of 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 Hillsborough County, 1002 East Palm Avenue, Tampa, Florida 33605.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 4, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Augustina's Taste of Chicago located in Naples. The above referenced F.A.C. addresses the requirement that an accessible bathroom must be provided for both customers and employees. They are requesting to share bathroom facilities with another nearby establishment within the same mall.

Notice of this petition was filed and published in Vol. 35, No. 17, May 1, 2009 of the Florida Administrative Weekly. The variance was approved on May 4, 2009, contingent upon the Petitioner ensuring the shared bathrooms located within Cheeburger Cheeburger are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, 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. If the ownership of Cheeburger Cheeburger changes, an updated signed agreement for use of the bathroom facilities is required. 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.