

(b) Must list, in the Work Search Record portion of the report required in subsection (1) of this rule, the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 12/09 ~~11/09~~) (Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire), which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual's disqualification from receiving extended benefits until:

- (a) Four weeks have passed since the noncompliance; and
- (b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented ~~443.031, 443.091, 443.101, 443.111,~~ 443.1115, 443.1117 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Technology Program**

RULE NO.: 60FF-5.002      RULE TITLE: Rural County Grants

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

The Correction is necessary to correct a typographical error striking out unnecessary language:

Paragraph 60FF-5.002(2)(a), line 9 should read as: "The applicant must provide . . . and seven ~~nine~~ copies postmarked or . . . ."

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above. The person to be contacted regarding this rule is: Ryan Butler, Special Services/E911Manager, E911 Board, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-3050.

**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 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**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Community Affairs, received a petition for waiver from a requirement in Chapter 9B-43, Florida Administrative Code, in regards to a Community Development Block Grant Economic Development Application. The Petitioner, Town of Cross City, submitted an application that mistakenly stated that a Economic Development Element had been adopted as part of the Town's Comprehensive Plan. That accounts for 30 Project Impact Score Points. The Town's Economic Development Element is still in draft status and will be adopted as soon as complete. The request for waiver is based upon the fact that the purpose of the rule will be achieved when the Economic Development Element is adopted. The project is vital to one of the Town's few large employers and would therefore be vital to the Town's economic viability. The Petition was assigned DCA Case No.: DCA10-WAI-015.

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

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**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."

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on January 26, 2010 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not demonstrated how the intent of the code would be met. Nor did the petitioner mention any reason for a variance from Sec. 112.3d, ASME A17.1, as submitted by Paul Starstrom, St. Johns River Power Park and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-446).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, 320 W. Kennedy Bldg., Tampa, FL, to not comply with Rules 3.10.3 and 3.4.2, ASME A17.3, 1996 edition (VW 2009-592).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lydia L. Moscato, Palma Del Mar Condo Assoc. #2, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-656).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lydia L. Moscato, Savannah Condo Assoc., Inc., South Pasadena, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-657).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lydia L. Moscato, Santa Maria Condo Assoc., Inc., South Pasadena, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-658).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Ken Walker, Mease Hospital, Dunedin, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-694).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden as there was no explanation as to how the intent of the code would be met. Further, Petitioner did not provide written documentation from the owner stating he is authorized to act on their behalf, as submitted by Dennis Carter, Isle of Clearwater Condo and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-762).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Tommy G. Tucker, Lake Destiny Executive Center, Maitland, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-811).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lawrence T. LoCascio, Monroe Park Tower, Tallahassee, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until 2009-814 (VW 2009-814).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby, Snell Arcade, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 20, 2012 (VW 2009-817).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby, Promenade, Longboat Key, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 20, 2012 (VW 2009-818).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby, Veolia Es Pinellas, St. Petersburg, FL to not comply with Rules 5.7.12.2, ASME A17.1, 2000 edition (VW 2009-821).

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

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NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Rick Lacy, Melbourne Beach Hilton, Indialantic, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-825).

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

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NOTICE IS HEREBY GIVEN THAT on January 20, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, Section 509.221(1)(b), Florida Statutes, and Paragraph 5-202.11(A), 2001 FDA Food Code from Gelato & Such, Orlando, FL. The above referenced F.A.C. addresses the requirements that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water; that each establishment discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize a mopsink located within another licensed establishment under the same ownership and utilize holding tanks to provide potable water and collect waste water.

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

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NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a Petition for a Routine Variance on January 12, 2010 for subsection 61C-4.010(6), Florida Administrative Code, Paragraph 6-501.115(A), 2001 Food Code from Reggae J's located in Panama City Beach, FL. The above referenced F.A.C. addresses the requirements that live animals are not to be allowed on the premises of a public food service establishment under the described conditions. They are requesting to have two live, caged birds (Macaws) in the establishment.

The variance request was published on Vol. 36, No. 04, 1/29/10 and approval is contingent upon the petitioner must ensure the Macaws will not contaminate, either directly or indirectly, food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. The public is prohibited from direct contact with the parrot. No other prohibited animals will be allowed on the premise. The display enclosure and night sleeping enclosure will be maintained clean and in good repair. All outlined written instructions provided by veterinarian Kim Breeze are to be followed. Birds are to be enclosed in a display cage (approximately 8 feet wide by six feet deep by 10 feet tall). Cleaning instructions include twice daily display cage liner removal, daily spot cleaning and weekly deep cleaning and sanitizing of the cages. Birds will be checked for disease prior to introduction and then screened annually thereafter via diagnostic testing to include blood

work, viral screening and fecal and choanal gram stains. Monthly visual checkups will be conducted to ensure proper husbandry and to detect any change in the birds' health.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on January 27, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Yogurbella, Naples, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be installed within the establishment for use by customers. They are requesting to utilize public bathrooms located on another level less than 300 feet away for customers.

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

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NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for Paragraph 4-301.12(A), 2001 FDA Food Code, subsections 61C-4.010(5), 61C-1.004(1), paragraph 61C-1.004(1)(d), Florida Administrative Code, Section 509.221(1)(b), Florida Statutes, and Paragraph 5-202.11(A), 2001 FDA Food Code from Yogen Fruz, Miami, FL. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils; discharge sewage into an approved collection system with an approved plumbing system. They are requesting to utilize the dishwashing facilities located within another licensed establishment at the same location and under the same ownership and install potable and waste water holding tanks.

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

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The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Anthony Ankersmit, filed on August 6, 2009. The Notice of Petition for Variance was published in Vol. 35, No. 33, of the August 21, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 10, 2009, in Tampa, Florida.

The Board's Order, filed on November 30, 2009, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), F.A.C., which would allow Petitioner to construct non-habitable communication structures/cell phone towers, including traditional steel towers, "stealth" communication structures (which are communication structures enclosed with facades to resemble trees, church steeples, and clock towers), and communications structures that are placed on roof tops or are otherwise attached to habitable structures, and habitable accessory use structures not to exceed three stories in height.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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#### 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."

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#### DEPARTMENT OF HEALTH

The Board of Osteopathic Medicine hereby gives notice that it has received a petition, filed on January 27, 2010, by Douglas Baska, D.O., seeking a permanent waiver or variance of paragraphs 64B15-13.001(3)(b) and (5), F.A.C., with respect to the continuing education requirement for biennial renewal and the provisions of the rule that require live participatory attendance.

Comments on this petition should be filed with: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above address or telephone (850)245-4161.

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The Board of Osteopathic Medicine hereby gives notice that it has received a petition, filed on February 2, 2010, by John J. Urban, Esq., on behalf of Brian R. Kirkland, D.O., seeking a waiver or variance of Rule 64B15-13.001, F.A.C., with respect to the following licensure requirement that every person licensed pursuant to Chapter 459, F.S., except those licensed as a physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months proceeding each biennial renewal period as established by the Department.

Comments on this petition should be filed with: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above address or telephone (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on February 2, 2010, the Department of Health, received a petition for Variance from paragraph 64E-11.007(5)(a), Florida Administrative Code (F.A.C.), from Jennifer L. Benzie of Pour Sip Savor LLC., 1253 Okeechobee Road, B9, West Palm Beach, FL 33401. This rule section states, "Lavatories shall be located in or immediately adjacent to all toilet rooms. At least one employee handwashing facility shall be located within each food preparation area." 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: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on January 19, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code from Children's Home Society of Florida and Elizabeth Perez, assigned Case No.: 10-001W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or a 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.

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

**CORRECTION ON DATE** – 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: February 24, 2010, 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 licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.