

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joel Atkinson, 1317 Winewood Blvd., Bldg. 6, Tallahassee, FL, (850)921-4118.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-32.001 Disciplinary Standards  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 44, November 4, 2005 issue, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-32.002 Appointments and Status  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 47, November 23, 2005 issue, Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <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**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <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 has received a petition from BellSouth Telecommunications, Inc. in Docket No. 050922-TL, filed December 20, 2005, seeking waiver from Rules 25-4.066 and 25-4.067, Florida Administrative Code. Rule 25-4.066, Florida Administrative Code, requires each telecommunications company to provide facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telecommunications service subject to the company’s ability to secure, at reasonable expense, suitable facilities and rights for construction and maintenance of such facilities. Rule 25-4.067, Florida Administrative Code, requires each telecommunications company to make reasonable extensions to its lines and services.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. Comments on the petition should be filed with the Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Theresa Tan, Attorney, Office of the General Counsel, at the above address or telephone (850)413-6199.

**WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on December 13, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-128), to Sunny Palm Bay Holding, LLC (Petitioner). The Petition for Variance was received by SJRWMD on October 25, 2005. Notice of receipt

of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 44 on November 4, 2005. No public comment was received. This order provides a temporary variance from Rule 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Bureau of Elevator Safety hereby gives notice that on January 3, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 3, 2005 and advertised in Florida Administrative Weekly, Vol. 31, No. 42, by William O. Williams of Otis Elevator regarding Tuscany Tower @ Hammock Dunes (VW2005-146). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 11-4-10.1, Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 3, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 6, 2005 and advertised in Florida Administrative Weekly, Vol. 31, No. 42, by William O. Williams of Otis Elevator regarding Ocean Towers at Hammock Beach (VW2005-150). The petition

sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 11-4-10.1, Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that on December 27, 2005, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from Jennifer Livingston of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: One Singer Island, Group 1, Group 2 and Group 3 (Petitions VW 2005-192, 2005-191 and 2005-190).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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.

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NOTICE IS HEREBY GIVEN that on December 30, 2005, the Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 2.1.3.1.2, 2.7.6, 2.9, 2.4.6, 2.23.4.1, and 2.14.1.5, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 30, Florida Building Code, requiring access to the overspeed governor from outside the hoistway, prohibiting the machine and control room from being within the hoistway, to allow the use of guide rails to support the loads and stresses, reduce the clearance above the car, allow additional loads be calculated prior to obtaining minimum bracket spacing requirements from the published table and to allow a cartop emergency hatch openable by a restricted use key. The petition was received from Lee Rigby of Vertical Assessment Associates on behalf of St. Joseph's Hospital Garage – Tampa (Petition VW 2005-193).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The Board of Massage Therapy hereby gives notice that it has received a petition filed on January 4, 2006, by Deborah Reid, seeking a variance/waiver from Rules 64B7-32.001, 64B7-32.002, 64B7-32.003, 64B7-32.004, 64B7-25.001(b),(c),(e), 64B7-25.0012, 64B7-27.002(1) and 64B7-27.008(1),(2), F.A.C., regarding Florida massage therapy licensure requirements. Comments on this petition should be filed with Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela E. King, Executive Director, Board of Massage Therapy, at the above address.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Michael A. Cappiello, III, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to official verification of medical education. The Petition was filed on September 30, 2005, and the Notice was published in Vol. 31, No. 41, of the October 14, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on November 19, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on December 3, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner presented evidence of a substantial hardship and demonstrated that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on December 27, 2005.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Shahram Rahmini-Saber, M.D., seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to official verification of medical education. The Petition was filed on October 25, 2005, and the Notice was published in Vol. 31, No. 44, of the November 4, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on November 19, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on December 3, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner presented evidence of a substantial

hardship and demonstrated that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on December 30, 2005.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

## 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: January 31, 2006, 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,