

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 25, June 22, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-204.101  
RULE TITLE: Disclosures to Viator of Disbursement

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 48, November 30, 2007 issue of the Florida Administrative Weekly has been withdrawn.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."

**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."

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Suwannee River Water Management District, received a petition for variance from Janice Wood, 3510 185th Place,

Wellborn, FL 32094, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from subsection 40B-4.3030(12), F.A.C. The property owner constructed an unpermitted structure in Lafayette County in Township 6 South, Range 14 East, Section 28. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0387.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on February 2, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Street Corner Dogs Hot Dog Cart located in Neptune Beach. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be vehicle mounted on axles. Specifically the Petitioner is requesting a variance to install casters on the unit rather than axle-mounted tires in order to make the unit otherwise movable from place to place.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us.

**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."

NOTICE IS HEREBY GIVEN THAT on January 30, 2009, the Florida Department of Environmental Protection has issued an order.

On August 21, 2008, the Department received a petition from Eagle Bay Landing, LLC, for a waiver under Section 120.542, Florida Statutes, from the provisions of subsection 62-312.080(7), F.A.C., which restrict the Department when issuing a permit for dredging and filling in Class II or III waters approved for shellfish harvesting. Notice of receipt of this petition was published in the Florida Administrative

Weekly on September 12, 2008. No public comment was received. The Department entered a final order (OGC File No. 08-2219) denying the petition for a waiver for construction of a boardwalk and viewing pier for the use of interior lot owners who do not own waterfront lots, because the petitioner did not demonstrate that application of subsection 62-312.080(7), F.A.C., would create a substantial hardship for the petitioner or violate principles of fairness.

A copy of the Order may be obtained by contacting: Woodrow Speed, Florida Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501, (850)595-8300, ext. 1287.

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NOTICE IS HEREBY GIVEN THAT on January 14, 2009, the Department of Environmental Protection, received a petition for variance from the water treatment plant staffing requirements in paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C., from Emerald Coast Utilities Authority. This variance has been assigned OGC File No. 09-0097. Comments must be received no later than 14 days from the date of this publication, and should be sent to the person named below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, M.S. 3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8630.

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NOTICE IS HEREBY GIVEN THAT on January 16, 2009, the Bureau of Beaches and Coastal Systems, received a petition for a variance from 550 Seabreeze Development, LLC. The petitioner seeks a permanent variance from subsection 62B-33.013(3), F.A.C., which provides for one three-year time extension to complete activities permitted by the Department. The property is located at 550 Seabreeze Blvd., Ft. Lauderdale, Broward County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us). The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Tallahassee, Florida 32304. Any comments should be filed in writing: Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

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NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Bureau of Beaches and Coastal Systems has issued an order.

A petition was filed on February 19, 2008, by James R. Spires and Michelle M. Spires, regarding the property located at 59 Pelican Cir., Panama City Beach (Walton County). Notice of receipt of this petition was published in the Florida

Administrative Weekly on March 7, 2008. The Petitioners sought a variance or waiver from subparagraph 62B-33.0051(1)(a)1., F.A.C., which requires that a structure be eligible in order to be authorized for construction of coastal armoring, from subsection 62B-33.002(64), F.A.C., which defines and requires that a vulnerable structure must be an eligible structure, and from subparagraph 62B-33.0051(1)(a)2. F.A.C., which requires that a vulnerable structure be an eligible structure. No public comment was received.

The variance is granted based upon the Petitioner's demonstration that a strict application of the rule would result in substantial hardship and because Petitioners have demonstrated that the variance would serve the purposes of the underlying statute.

A copy of the Order may be obtained by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, (850)488-7815, or by e-mail at: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 18, 2008, the Board of Orthotists and Prosthetists has issued an order.

The Board of Orthotists and Prosthetists hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on October 7, 2008, on behalf of Douglas A. Taylor, CP. The Notice of Petition for Variance/Waiver was published in Vol. 34, No. 44, of the October 31, 2008, Florida Administrative Weekly. Specifically, the Petitioner sought a variance and waiver of the provisions of paragraph 64B14-4.003(1)(b), F.A.C., be waived in regards to the educational course work which was completed before CAAHEP's implementation. The Board of Orthotists and Prosthetists considered the Petition at its meeting held on November 6, 2008, in Jacksonville, Florida. The Board's Order, filed on November 18, 2008, approved the Petition for Waiver of paragraph 64B14-4.003(1)(b), F.A.C., finding that the Petitioner submitted proof of a bachelor of science degree from an accredited university, and a certificate in prosthetics from a program equivalent to a program recognized by CAAHEP.

A copy of the Order may be obtained by contacting: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

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NOTICE IS HEREBY GIVEN THAT on January 21, 2009, the Department of Health, received a petition for Variance from or Waiver of Agency paragraph 64F-12.023(3)(a), Florida Administrative Code, from Pharmedlink, Inc. located at 12345 Starkey Road, Suite L, Largo, Florida. The petition seeks a variance from or waiver of paragraph 64F-12.023(3)(a), F.A.C. requiring Petitioner to obtain an inbound inventory from its

customers prior to shipping prescription drugs to Petitioner. Specifically the Petition seeks a variance or waiver of the inbound inventory requirement by allowing the Petitioner to create an inventory of inbound products upon receipt of the shipment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, FL 32399, (850)245-4294.

NOTICE IS HEREBY GIVEN THAT on February 3, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Richard F. Mihalich with the Department of Health on November 25, 2008 and published December 12, 2008 in the Florida Administrative Weekly requesting a waiver from paragraph 64J-1.010(3)(d), Florida Administrative Code, which states that a paramedic whose certificate has been on inactive status for more than 1 year must pass the paramedic certification exam. If the applicant fails the exam, he or she must meet the requirements for initial certification.

The Department of Health, Bureau of EMS has denied the request for waiver. The general basis for this decision was that Petitioner did not meet the general requirements for variance:

- (a) Petitioner has not demonstrated that the principles of fairness will be violated should Petitioner be required to adhere to the current rule. A letter was sent to Petitioner by the Bureau of EMS outlining all of the requirements to renew his license, in accordance with the rule, before his inactive status expired.
- (b) Petitioner has not demonstrated substantial hardship in his petition for waiver.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for waiver has been denied.

A copy of the Order may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander\_macy@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 3, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Okaloosa County EMS with the Department of Health on November 19, 2008 and published December 12, 2008 in the Florida Administrative Weekly requesting a temporary variance from Rule 64J-1.003, Table II (v), Florida Administrative Code, which requires an electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient for Advanced Life Support (ALS) ground vehicles.

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

- (a) Principles of fairness would be violated should Petitioner be required to adhere to the current rule. Petitioner has provided evidence of its backorder for the equipment upgrade.
- (b) A substantial hardship would be placed upon Petitioner as it would be without licensed ALS ground vehicles.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for temporary variance has been granted and allows Okaloosa County EMS to operate its ALS ground vehicles without the required upgrade until May 31, 2009.

A copy of the Order may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander\_macy@doh.state.fl.us.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on January 30, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Family Preservation Services, Inc., and Randy Barbary and Carolyn Rose, assigned Case No. 09-002W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's or master 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.

NOTICE IS HEREBY GIVEN THAT on January 27, 2009, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.027(2)(a), Florida Administrative Code, from Center for Family and Child Enrichment, Inc. and Rodney Dottin, assigned Case No. 09-003W. Paragraph 65C-13.027(2)(a), F.A.C., states if a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an "Application for License to Provide Out-of-Home Care for Dependent Children. Submit fingerprints within five calendar days of residence for background screening unless previously completed, attend pre-service training if not previously completed in the last five years, and meet all licensing requirements. The unlicensed spouse shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions of this rule which may threaten the safety of any child in care, or place the

home in violation of the licensing standards in this rule, are grounds for denial, suspension or revocation of an application or license. During this period, and based on the satisfactory completion of background screening requirements and the established good moral character of the unlicensed spouse, the home remains licensed and previously placed children may remain in the home, however no new children shall be placed in the home.

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.

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### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on January 30, 2009, the Florida Housing Finance Corporation, received a petition for Waiver subsection 67-48.004(14), Florida Administrative Code, from Magnolia Landing Apartments, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow a reduction of the total number of units contained in the application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, 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](http://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.

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## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **National Register Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 25, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: R. A. Gray Building, Third Floor, Room 307, 500 S. Bronough St., Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of National Register applications.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: Pam Stanley at (850)245-6302. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Pam Stanley at (850)245-6302.

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The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 26, 2009, 9:00 a.m. – until conclusion

PLACE: R. A. Gray Building, Heritage Hall, First Floor, Auditorium, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pam Stanley at (850)245-6302. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Pam Stanley at (850)245-6302.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 12:30 p.m. – 2:30 p.m.

PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430, (561)993-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Introduction of Requirim (Presented by Dennis Long, Technical Sales Representative for AgraQuest, Inc.)

Division of Plant Industry Representatives

EREC staff project updates