

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 STATE**

NOTICE IS HEREBY GIVEN that on February 6, 2009, the Department of State received the City of Boynton Beach's Petition for Variance of Section VIII.B. of the Department of State's Guidelines for the State Aid Program, which are incorporated into paragraph 1B-2.011(2)(a), Florida Administrative Code. These Guidelines provide that grant applicants have 30 days to cure an application deficiency. The City/Petitioner requested a 45-day extension of this deadline so that the City would have time to complete and submit the required, City-wide audit with its grant application. Notice of the petition was published in the March 6, 2009 issue of the Florida Administrative Weekly. On March 31, 2009, the Department of State entered an order granting the rule variance. The general basis for the Department of State's decision is that even though the City exercised due diligence in completing its grant application, it was unable to submit the required City-wide financial audit. This audit had been delayed due to turnover of all (four) professional positions in the Department of Financial Services, which was the agency in charge of the City-wide audit. Relief was granted because strict application of the rule at issue would have violated principles of fairness: the City would have forfeited \$55,791 in grant funds if the Department of State had not granted the extension to cure its application deficiency due to circumstances outside of the control of the City.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of paragraph 11B-35.0024(2)(a), F.A.C., by Kathy Merus. The petitioner wishes to waive that portion of the rule which limits a basic recruit to retaking EITHER one high-liability proficiency OR one test of cognitive knowledge during his or her basic recruit training. The Petitioner's training school permitted her to retake one of each. The Petitioner passed her State Officer Certification Examination and is employed as an officer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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

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**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on March 30, 2009, the Suwannee River Water Management District, received a petition for variance from Hamilton County Board of Commissioners, 207 N. E. First Street, Jasper, FL 32052, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. The property owner intends to construct a gravel road and a portion of a gravel parking area within the 75-foot setback, located in Township 2 North, Range 12 East, Section 1, Hamilton County. 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 07-0006M.

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.

NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the South Florida Water Management District (District), received a petition for waiver from the Town of Miami Lakes, Application No. 09-0316-7, for utilization of Works or Lands of the District known as the C-8 Canal, for the proposed installation of a fence to be placed within the District's right of way along the C-8 (Biscayne) Canal; Section 14, Township 52 South, Range 40 East, Miami-Dade County. The Petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40' of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the South Florida Water Management District (District), received a petition for waiver from Steven V. Batic, Application No. 09-0220-2, for utilization of Works or Lands of the District known as the C-13 Canal, for the proposed placement of 13 palm trees within 40' of the top of the canal bank located at 9830 N. W. 31st Place; Section 19, Township 49 South, Range 41 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40' of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Agency for Workforce Innovation, received a petition for Emergency Petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Orange County, P. O. Box 540387, Orlando, Florida 32854.

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.

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Agency for Workforce Innovation, received a petition for Emergency Petition for Temporary Waiver of paragraph 60BB-8.201(4)(a), Florida Administrative Code, from the Early Learning Coalition of Orange County, P. O. Box 540387, Orlando, Florida 32854.

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.

NOTICE IS HEREBY GIVEN THAT on March 27, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Southwest Florida, 5256 Summerlin Commons Way, #201, Fort Myers, Florida 33907.

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.

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

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Adventure Landing Dippin Dots located in Jacksonville. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

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 March 23, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for Paragraph 4-301.12(A), and Section 5-203.13, 2001 FDA Food Codes; subsections 61C-1.004(1) and 61C-4.010(5), Florida Administrative Code, from Adventure Landing Melt Away Bay located in Jacksonville. The above referenced F.A.C. addresses the

requirement for the establishment to provide a three-compartment sink and mop sink at the establishment. They are requesting to share a three-compartment sink and mop sink with another establishment located within the same theme park/entertainment complex under the same ownership. 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 March 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a ROUTINE Variance for subsection 61C-4.010(5) and Paragraph 4-301.12(A), 2001 FDA Food Code from Café Express located in Miami Springs. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils. They are requesting to utilize the dishwashing facilities located in another establishment on another level under the same ownership.

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 March 23, 2009, the 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 The Pup Tent located in Lauderhill. The above referenced F.A.C. addresses the need for the establishment to provide a bathroom for use by customers and employees installed with a hand wash sink provided with hot and cold running water. They are requesting to share a properly equipped bathroom located within a nearby establishment.

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.

#### **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 March 20, 2009, the Department of Environmental Protection, received a petition for JR Eisenman LLC., seeking a variance from Rule 62-521.400, F.A.C., to allow a fuel tank within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 09-0525.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Donnie McClaugherty, Department of Environmental Protection, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8645. Written comments must be received by Donnie McClaugherty at the above address no later than 14 days from the date of publication of this notice.

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on April 1, 2009, the Board of Massage Therapy, received a petition for Vladislav Simakov, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to financial hardship.

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

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

NOTICE IS HEREBY GIVEN THAT on February 25, 2009, the Board of Massage Therapy, received a petition for Dawn S. Stubbs, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to financial hardship, and Rule 64B7-28.010, F.A.C., with respect to the requirements for board approved continuing education programs from a foreign sovereign state.

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

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

The **Board of Occupational Therapy** hereby gives notice of the withdrawal of the Petition for Variance or Waiver for Jon Edenfield, M.S., OTR/L. The Notice of Petition for Variance or Waiver of Rule 64B11-6.001, F.A.C., Continuing Education Program Approval was published in Vol. 35, No. 7, of the

February 20, 2009, Florida Administrative Weekly. Petitioner has requested the Petitioner for Variance or Waiver be withdrawn.

A copy of the Petitioner's letter may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the Board of Physical Therapy, received a petition for Evelyn Mora, seeking a waiver or variance of paragraph 64B17-3.001(4)(i), F.A.C., with respect to the speaking portion of the TOEFL Examination.

Comments on this petition should be filed with the: Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Love, Executive Director, at the above-referenced address, or at telephone number (850)245-4373.

## 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: April 28, 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 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.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,