

(12) BVC 421, entitled "Notification of Possible Recoupment or Prosecution for Fraud" (8/01), effective 10-23-01.

Rulemaking Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03, 1-16-08, 5-29-09.

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 29, 2009

**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."

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19ER09-1 RULE TITLE: Reimbursement Contract

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The hurricane season, the effective date of the Florida Hurricane Catastrophe Fund Reimbursement Contract for the 2009-2010 Contract Year and the effective date of CS/CS/CS/HB 1495, passed by the 2009 Legislature is June 1, 2009. Therefore, time is of the essence in incorporating those changes made by CS/CS/CS/HB 1495, which impact the Reimbursement Contract. Key changes to the law which must be reflected in the Reimbursement Contract is the Legislature's extension of the \$10 million optional FHCF coverage program to the current Contract Year and the reduction in the amount of Temporary Increase in Coverage Level (TICL) optional coverage. This Emergency Rule is the only way to implement the changes made to the optional coverage s in a timely manner.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Hurricane Season begins on June 1st and there is no way to get the new legislative changes in place by that time unless an emergency rule is utilized. The emergency rule was authorized at a published meeting open to the public and is posted to the State Board of Administration's web-site.

SUMMARY: Rule 19ER09-1 (19-8.010, Reimbursement Contract.) Current subsection (15) has been amended to reflect that the contract and addenda have been revised.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER09-1 (19-8.010) Reimbursement Contract.

(1) through (14) No change.

(15) The reimbursement contract for the 2009-2010 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2009K-"Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC # ( ) and The State Board of Administration of the State of Florida ("SBA") which administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 05/09, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2009 through May 31, 2010.

(16) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 5-28-09.

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 28, 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 BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on May 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 from Stacia Scofero on behalf of Ironwood Twelfth Condominium Association in Sarasota (VW 2009-117).

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

---

#### 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 May 18, 2009, the Department of Environmental Protection has issued an order. The order, OGC No.: 09-0097, granted a petition for variance received on January 14, 2009, from Emerald Coast Utilities Authority ("Petitioner") to reduce the water treatment plant staffing requirements in paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C. Petitioner petitioned for the variance in order to provide a level of water treatment plant operator staffing that is less than what is required or allowed by the above rules. The notice of receipt was published in the Florida Administrative Weekly on February 13, 2009. No public comment was received. Petitioner demonstrated that this variance was appropriate, meets the underlying purpose of the statutes, which is protection of public health, because Petitioner can properly operate its water treatment plants and booster disinfection stations by staffing them at the level discussed in the Petition. Petitioner demonstrated a substantial hardship because a strict application of the above rules would result in a significant amount of unneeded staffing at Petitioner's water treatment plants, resulting in a financial hardship to the Petitioner.

A copy of the Order may be obtained by contacting: Virginia Harmon, DEP, MS #3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8630.

---

NOTICE IS HEREBY GIVEN THAT on April 2, 2009, the Department of Environmental Protection, received a petition for a variance from the requirements of subsection 62-701.730(11), F.A.C., which requires the permittee of a construction and demolition debris disposal facility to prepare an annual estimate of the closure costs for the facility and to make annual payments into a trust fund in amounts that are sufficient to pay the estimated costs of closure. The petition was submitted on behalf of the Sutor Family Trust. This notice is a corrected version of a similar notice published on May 1, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Tedder, Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

---

#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on June 1, 2009, the Board of Massage Therapy, received a petition for waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., from Grace E. Burnham, 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: 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 April 8, 2009, the Board of Massage Therapy, received a petition for waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., from Cynthia Partenheimer, with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration because compliance with this requirement would cause hardship for Petitioner because she recently moved to Ohio where there are no continuing education classes.

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 June 2, 2009, the Board of Massage Therapy, received a petition for a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., from Jenevieve Piel, with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration because compliance with this requirement would cause hardship for Petitioner who has Multiple Chemical Sensitivity and cannot leave her home to attend continuing education classes.

Comments on this petition should be filed with: 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 May 28, 2009, the Board of Medicine, received a petition for waiver or variance filed by Vitaly Siomin, M.D., from subsection 64B8-4.009(5),

F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on May 27, 2009, the Department of Health, received a petition for variance from Daniel Hernandez, Esq., representing Infiltrator Systems, Incorporated. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), paragraphs (7)(a) and (7)(d), Florida Administrative Code, which require that after innovative system testing is completed, requests for approval of system components and designs which are not specifically addressed in Chapter 64E-6, F.A.C., to be submitted to the department's Bureau of Onsite Sewage Programs. Requests for approval are required to include empirical data showing the results of innovative system testing in the State of Florida. It also requires that alternative drainfield materials and designs not be approved when they would result in a reduction in drainfield size compared to a mineral aggregate drainfield.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

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

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Gulf Coast Community Care and Susanne Ellis, Derrick Kowal and Kelcey Ogrodny assigned Case No. 09-018W. Subsection 65C-15.017(2), F.A.C., requires agency staff responsible for case work services shall have a bachelor's or master's degree of social work or 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**

### **DEPARTMENT OF STATE**

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

DATE AND TIME: Tuesday, June 30, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: R. A. Gray Building, 500 S. Bronough Street, Room 307, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: National Register Nominations.

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.

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

DATE AND TIME: Wednesday, July 1, 2009, 9:00 a.m. – 12:00 Noon

PLACE: R. A. Gray Building, 500 S. Bronough Street, Room 307, Tallahassee, Florida

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).