

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 August 4, 2009, the South Florida Water Management District (District), received a petition for waiver from North Springs Improvement District regarding Application No. 09-0108-4, for utilization of Works or Lands of the District known as the L-36 Canal for the proposed installation of a 48" steel outfall pipe and to allow an existing 48" steel outfall pipe with above ground valve controls to remain within the east right of way, Section 18, Township 48S, Range 40E, Broward County. This petition, amending a previous petition filed on June 22, 2009 and notice published on July 2, 2009, Vol. 35, No. 26, seeks relief from subsections 40E-6.011(4) and 40E-6.221(2)(j), F.A.C., which prohibits placement of permanent and/or semi-permanent above ground encroachments within 40 feet of the top of canal bank and which governs crown elevation for culvert pipe connections within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, South Florida Water Management District (District) received request for withdrawal of a Petition for Waiver from Miami-Dade County Office of Public Transportation regarding Application No. 09-0708-2M for utilization of Works or Lands of the District known as the C-103 Canal, Section 5, Township 57S, Range 39E, Miami-Dade County. The District originally received a petition for waiver from Miami-Dade on July 13, 2009 and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 7, 2009. No public comment was received.

A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or e-mail at jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver from Miami-Dade County Office of Public Transportation regarding Application No. 09-0708-3M for utilization of Works or Lands of the District known as the C-103N Canal, Section 33, Township 56S, Range 39E, Miami-Dade County. The District originally received the petition for waiver from Miami-Dade on July 13, 2009, and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 7, 2009. No public comment was received.

A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or e-mail at jurussel@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Duval, 6850 Belfort Oaks Place, Suite #102, Jacksonville, Florida 32216.

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 East Madison Street, MSC 140, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Flagler and Volusia, 230 North Beach Street, Daytona Beach, Florida 32114.

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 East Madison Street, MSC 140, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness

eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by the Early Learning Coalition of Flagler and Volusia Counties, Inc., 230 North Beach Street, Daytona Beach, Florida 32114.

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 East Madison Street, MSC 140, Tallahassee, FL 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Lee Rigby, of Vertical Assessment Associates, on behalf of May Hospital, Jacksonville, SN 92570 and 92571, to not comply with Rule 2.7.2.1, A.S.M.E. 17.1 2005 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-051).

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

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted an variance to William Snyder, on behalf of Seville Condominium II, Inc., Clearwater, FL, SNs 10128 and 10129, to not comply with Rule 3.11.3, A.S.M.E. 17.3 1996 edition; and Chapter 3001.2, 2004 Florida Building Code; Rule 2.7.4, A.S.M.E. 17.3 1996 edition; Rule 3.11.1, A.S.M.E., 17.3 1996 edition: (VW 2009-054).

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

That order granted a variance to Matthew Golden of Thyssen Krupp Elevator on behalf of Metropolitan, West Palm Beach, FL, SN 88271 through 88274 to not comply with Chapter 3001.2, 2004 Florida Building Code: Referenced Standards. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum Number and Diameter of suspension Ropes. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum number and Diameter of Suspension Ropes. Rule 2.24.2.1, A.S.M.E. 17.1, 2000 edition: Material and Grooving, (VW 2009-060) as advertised in F.A.W., Vol. 35, No. 15.

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

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Noel S. Withers on behalf of S&R Building Partnership, SN 44866, to not comply with Rule 2.7.2.1, A.S.M.E. 17.1 2005 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-061) as advertised in F.A.W., Vol. 35, No. 15.

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

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted an emergency variance to Lynn J. Buonacore, on behalf of 5700 Professional Park Bldg., SN 37549, to not comply with Rule 3.11.3, A.S.M.E. 17.3 1996 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-168) as advertised in the F.A.W., Vol. 35, No. 22.

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

NOTICE IS HEREBY GIVEN THAT on July 13, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from A17.3, Section 2.7.4, and Section 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lakeside Village Condominium Association, 1130 North Lake Parker Avenue, Lakeland, FL 33805, and location of the same, requests the variance for economic/financial hardship. The petition was received from Helen Watkins, President, Lakeside Village Condominium Association (VW 2009-328).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance pursuant to Section 120.542, F.S., and from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2, adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Law Offices of Fergeson, Skipper, Shaw, Keyser, Baron & Tirabassi, 1515 Ringling Blvd., 10th Floor Sarasota, FL 34236, and location of Galleon Resort Condominium, Inc., 617 Front Street, Key West, FL 33040, SNs 33964 and 33965, requests the variance

for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Pam Magda, Property Manager (VW 2009-329).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, and Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Westgate Condominium Association, Inc., 2901-2905 Gulf Shore Blvd. North, Naples, FL 34103, and location of 2901 and 2905 Gulf Shore Blvd., Naples, FL, SN 25032, 25033, 25034, and 25035, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Dieter Walz, Manager (VW 2009-330).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 2.7.4, and Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Mainstreet Real Estate Services, Inc., as agent for G&I IV Southtrust Center, LLC, 2101 West Commercial Blvd., Suite 1200, Ft. Lauderdale, FL 33309, and location of 1700 Palm Beach Lakes Blvd., West Palm Beach, FL 33401, SN 40409, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bea Green, Property Manager (VW 2009-331).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sayana Condominium Association, C/O Island Management, P. O. Box 100, Sanibel, FL 33957, and location of 3067 West Gulf Drive, Sanibel, FL 33957, SN 25026, requests the variance for an extension of time to complete

repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-334).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sand Pointe Condominium Association, C/O Island Management, P. O. Box 100, Sanibel, FL 33937, and location of 2737 West Gulf Drive, Sanibel, FL 33957, Building #1, SN 31382 and Building #2, SN 31385, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-335).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, By The Sea Condominium Association, Inc., C/O Island Management, P. O. Box 100, Sanibel, FL 33957, and location of 2611 West Gulf Drive, Sanibel, FL 33957, SN 32687, SN 32688 and SN 32689, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-336).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sanibel Surfside Condominium Association, Inc., C/O Island Management, 610 Donax Street, Sanibel, FL 33957, and location of Building #1, SN 24511 and Building #2, SN 24512, requests the variance for an extension of time to

complete repairs and for economic/financial hardship. The petition was received from: Janette Mackesy, Property Manager. (VW 2009-337).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received on July 23, 2009 a petition for an Emergency Variance for Section 509.221(1)(b), F.S., subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), F.A.C., and paragraph 5-202.11(A), 2001 FDA Food Code from Corona Beach House located in Miami. The above referenced F.A.C. addresses the requirement that each establishment must discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize holding tanks to provide potable water and to collect waste water.

Notice of this petition was filed and published in Vol. 35, No. 31, August 7, 2009, Florida Administrative Weekly. The variance was approved on August 5, 2009, contingent upon the Petitioner ensuring the hand wash sink and three-compartment sink are provided with hot and cold running water under pressure during all hours of operation; the waste water holding tanks are emptied at a frequency as to not create a sanitary nuisance; and the water provided comes from an approved source and is protected from contamination during handling. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

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.

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Construction Industry Licensing Board, received a petition for The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on August 6, 2009, by Timothy P. Atkinson, Esq., on behalf of Anthony W. Ankersmit, seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing, or a licensed building official.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, P. O. Box 5257, Tallahassee, FL 32399-5257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Donald Cole, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), F.A.C., that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Kee Tse, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), F.A.C., that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 14, 2009, the Board of Accountancy, received a petition for Patricia A. Mace, seeking a variance from subsection 61H1-33.006(2), F.A.C., which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Board of Accountancy, received a petition for John M. Murphy, seeking a variance or waiver of subsection 61H1-33.003(7), F.A.C., which requires that sponsors of formal correspondence or other individual study technical

business and accounting and auditing programs be approved by the National Association of State Board of Accountancy Quality Assurance Service.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Eileen L. Spony, seeking a variance from subsection 61H1-33.006(2), F.A.C., which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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 August 12, 2009, the Department of Environmental Protection has issued an order.

The order is for the JR Eisenman LLC variance petition (OGC File No. 09-0525), received on March 20, 2009. The petition requested a variance from the 500 foot wellhead protection area established in paragraph 62-521.400(1)(m), F.A.C., for the placement of an aboveground storage tank that supplies an emergency generator for a medical building. The final order granted a variance because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The notice of receipt of the variance request was published on April 10, 2009, in the Florida Administrative Weekly. The Department received no comments.

A copy of the Order may be obtained by contacting: Donnie McClagherty, Department of Environmental Protection, Ground Water Regulatory Section, M.S. #3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8645.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 7, 2009, the Board of Medicine, received a petition for waiver or variance filed on behalf of Jeffrey Stan Greenspan, 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 July 23, 2009, the Board of Optometry has issued an order.

The Board of Optometry hereby gives notice of the issuance of an order denying the petition for Waiver or Variance filed by Brent H. Weinman, OD. The petition for Waiver or Variance was published in Vol. 35, No. 22, of the May 21, 2009, Florida Administrative Weekly. The Petitioner filed a petition for Waiver or Variance from subsection 64B13-11.004(3), F.A.C. The petition for Waiver or Variance was heard at a duly-noticed meeting held on July 23, 2009. The Board found that the petitioner was required to pay the delinquent license fee when his license expired. Section 120.542(2), F.S., provides that a variance or waiver of a rule shall be granted when the petitioner demonstrates that the purpose of the underlying rule has been achieved by other means, and when application of the rule would create a substantial hardship or would violate principles of fairness. Section 456.036(7), Florida Statutes, provides that each board shall be rule impose a delinquency fee on a delinquent licensee. The Board may not waive any provision of statute.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on August 7, 2009, the Board of Pharmacy, received a petition for Amy Larissa DeDea. Petitioner is seeking a variance or waiver of Section 465.009(1), F.S., which requires that the licensee submit satisfactory proof to the board that during the 2 years prior to her or his application for renewal, the licensee has participated in not less than 30 hours of continuing professional pharmaceutical education in courses approved by the board.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Department of Health, received a petition for variance from Bill Najmark and Alice Listman, representing BujjaBujja, Inc. dba Ally's Pizzeria. Specifically, the petitioner seeks a variance

from subsection 64E-6.001(4), F.A.C., which requires onsite sewage treatment and disposal systems to be brought into compliance with new system standards when there is an increase in commercial wastewater flow.

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.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Health, Bureau of Community Environmental Health has issued an order.

The Petition for Variance of R. Mason Bryant on behalf of Oncore Technology, L.L.C. has been granted. The Petition for Variance and an amended Petition for Variance was received by the Department on April 14, 2009 and May 6, 2009, respectively, and published on May 1, 2009 and May 29, 2009, respectively, in the Florida Administrative Weekly. Paragraph 64E-16.007(4)(g), F.A.C., prescribes a test load containing a test organism be performed without the use of the chemical agent used to kill the test organisms, and subparagraph 64E-16.007(4)(c)2., F.A.C., prescribes a minimum Log 6 kill against *Bacillus stearothermophilus*, currently known as *Geobacillus stearothermophilus*, spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis*, currently known as *Bacillus atropheus*, spores utilizing dry heat, chemicals, or microwave shredding. The Petitioner requests a permanent variance from the rules to allow the Petitioner to vary from the rules' requirements for use of the test organism, *Bacillus subtilis*, for determining the baseline control prescribed in paragraph 64E-16.007(4)(g), F.A.C. The Petitioner proposes to utilize the test organism, *Geobacillus stearothermophilus*, in place of the test organism specified in paragraph 64E-16.007(4)(g), F.A.C., *Bacillus subtilis*, and follow the procedure prescribed in paragraph 64E-16.007(4)(g), F.A.C., for determining a baseline control.

Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399, within 5 days of publication of this notice.

A copy of the Order may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, Gina_Vallone@doh.state.fl.us or (850)245-4273.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on July 9, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Thomas James Mazard, assigned Case No. 09-025W. Subsection 65C-15.017(2), F.A.C., requires staff of a licensed

child-placing agency responsible for supervising casework services possess a bachelor's or master's degree in social work or a related field.

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 August 4, 2009, the Department of Children and Families, received a petition for waiver of rule subsection 65C-15.017(3), Florida Administrative Code, from Chad Lovewell, assigned Case No. 09-026W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a master's or bachelor's degree in 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

NOTICE OF CANCELLATION – The **Florida Main Street** announces a public meeting to which all persons are invited.

DATE AND TIME: Meeting Cancelled

PLACE: R. A. Gray Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Ad Hoc Florida Main Street Advisory Committee meeting scheduled for August 27, 2009, from 10:00 a.m. – 5:00 p.m. has been cancelled.

For more information, you may contact: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

The Florida **Department of State, State Library and Archives of Florida** announces a State Library Council Meeting via Conference Call. All persons are invited.

DATE AND TIME: Monday, August 31, 2009, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. CONTACT: Judith Ring, State Librarian at (850)245-6600.