

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on February 12, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., from Angelo Rainey. The Petitioner wishes to waive that portion of the rule requiring those who have failed to complete a temporary employment authorization to wait four years before beginning a new temporary employment authorization. Petitioner contends that the application of the rule to his situation would violate the principles of fairness because it would affect him in a manner different from the way that it affects other similarly situated persons who are subject to the rule.

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

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 December 23, 2009, the St. Johns River Water Management District's Governing Board has issued an order.

The District granted a variance under Section 120.542, F.S. (SJRWMD FOR #2008-123), to Calvary Chapel of Melbourne, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on September 10, 2009. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 35, No. 44 on November 6, 2009. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., 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 or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources, by facilitating the 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: Gail L. Hankinson, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4391.

NOTICE IS HEREBY GIVEN THAT on February 5, 2010, the Southwest Florida Water Management District, received a petition for rule waiver from Crystal Bay at Kingsway Condominium Association, Inc. Crystal Bay at Kingsway Way Condominium Association, Inc., seeks a waiver of Section 6.4.1 of the Basis of Review for Environmental Resource Permit Applications incorporated by reference into the District's rules by way of subsection 40D-4.091(1), F.A.C. Said section lists the dimensional criteria that are acceptable to the District for retention and detention areas utilized for surface water management systems and related protection measures for public safety. The petitioner requests a variance from the public safety requirement that a six foot (6') chain link fence or other protection sufficient to prevent accidental incursion into the retention or detention area be installed due to economic/financial hardship and violation of principles of fairness.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathleen C. Kenney, Staff Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211. Any interested person or other agency may submit written comments on the petition within 14 days of the date this notice is published.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on February 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to: Matt Paradiso, Ft. Myers News-Press, Ft. Myers, FL, to not comply with Rule 3.11.1(a)(2), ASME A17.3, 1996 edition until November 31, 2012 (VW 2010-015).

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 February 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to: John P. Caparosa, Inlet Harbor Club, Boynton Beach, FL, to not comply with Rules 3.11.3, 2.7.4, 3.10.4(t) and 3.3.2, ASME A17.3, 1996 edition until July 1, 2011 (VW 2009-681).

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 February 2, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 61C-4.010(6), (7), Florida Administrative Code, from Black Fig, Tallahassee, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business in the same mall within 3900 feet for customer use only.

A copy of the Petition for Variance or Waiver 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 February 12, 2010, 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, subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Frozeberry, Orlando, FL. The above referenced F.A.C. addresses the requirement that each establishment 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@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."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on February 5, 2010, the Board of Dentistry, received a petition for variance or waiver from Edwin A. Bayo, Esq. on behalf of Laura Hernandez, D.D.S., seeking a variance or waiver of paragraph 64B5-2.013(3)(i), F.A.C., which states: "As provided in Section 466.006(4)(b)3., F.S., if an applicant fails to pass the Practical or Clinical Examination in three (3) attempts, the applicant shall not be eligible for reexamination unless she or he completes additional educational requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on February 16, 2010, the Board of Medicine, received a petition for waiver or variance filed by Salvatore M. Laraia, 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 February 10, 2010, the Department of Health, Bureau of Radiation Control, received a petition for Digirad Imaging Solutions, Inc. The petitioner is seeking a variance of Rule 64E-5.614, F.A.C., which requires a medical use licensee authorized to administer radiopharmaceuticals to possess a dose calibrator and use it to measure the amount of activity administered to each patient or human research submit. The petitioner is also seeking a variance of Rule 64E-5.616, F.A.C., which requires a medical use licensee to determine by assay or direct measurement within 30 minutes before each radiopharmaceutical dosage and record the activity of each dosage before medical use.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paul E. Vause, Jr., Environmental Administrator, Bureau of Radiation Control, Radioactive Materials Program, Bin #C21, 4052 Bald Cypress Way,

Tallahassee, FL 32399-1741, (850)245-4545. Comments on this petition should be filed with the Bureau of Radiation Control within 14 days of this notice.

NOTICE IS HEREBY GIVEN THAT on February 10, 2010, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on September 9, 2009, by Daniel Hernandez, Esq., representing Infiltrator Systems, Inc., regarding the "Infiltrator Quick4 Equalizer 36 LP Chamber". Petitioner sought a variance from subsection 64E-6.009(7), Florida Administrative Code, which requires innovative system testing to be completed before alternative system component and design approval is granted and that the request for approval include the results of the innovative testing. Notice of the petition was published in the September 25, 2009, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order 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 January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health Inc., and Kristina Weston, assigned Case No.: 10-002W. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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 32299-0700.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health, Inc. and Courtney Barry, assigned Case No.: 10-003W. Subsection

65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health, Inc. and Nathan Scott, assigned Case No.: 10-007W. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health, Inc. and Kirsten Sutton, assigned Case No.: 10-008W. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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: Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health, Inc. and Sarah Marissa Racioppi Miller, assigned Case No.: 10-009W. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health, Inc. and Toni Denise Lamar, assigned Case No.: 10-010W. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Children and Families, received a petition for subsection 65C-15.017(3), Florida Administrative Code, from Directions For Mental Health Inc., and Angela Lee Arten. Subsection 65C-15.017(3), F.A.C., require agency staff responsible for performing casework services shall have a bachelor's or master'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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on January 22, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: CREATIVE CHOICE HOMES XXVIII, LTD

DATE PETITION WAS FILED: December 21, 2009

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Chapter 67-48, Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 22, 2010.

THE GENERAL BASIS FOR THE DECISION: The petition was withdrawn.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk at (850)488-4197 or e-mail: Della.Harrell@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 22, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: CREATIVE CHOICE HOMES XXIX, LTD

DATE PETITION WAS FILED: December 21, 2009

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Chapter 67-48, Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 22, 2010.

THE GENERAL BASIS FOR THE DECISION: The petition was withdrawn.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk at (850)488-4197 or e-mail: Della.Harrell@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 22, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: MBCDC: VILLA MARIA, LLC

DATE PETITION WAS FILED: December 3, 2009

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-40.020(1), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 18, 2009, Vol. 35, No.50

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 22, 2010.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk at (850)488-4197 or e-mail: Della.Harrell@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 22, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: North Central Heights, LLC

DATE PETITION WAS FILED: November 19, 2009

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0072(4)(c), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 4, 2009, Vol. 35, No. 48

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 22, 2010.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk at (850)488-4197 or e-mail: Della.Harrell@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on February 15, 2010, the Florida Housing Finance Corporation, received a petition for Emergency Waiver of Certain Set-Aside Requirements Contained in Application Instructions Adopted by Rule 67-21.003, F.A.C., from Summit Housing Partners, LLC. The petition is seeking a permanent waiver to certain set-aside requirements contained in Application Instructions adopted by Rule 67-21.003, F.A.C.

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: 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.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation announces a workshop to which all persons are invited.

DATE AND TIME: March 1, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: Webinar via Webex

GENERAL SUBJECT MATTER TO BE CONSIDERED: Webinar will introduce 2010 Small Matching Grant Panelists to the Online Application Review System, give them information about the review process, and answer questions.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff by phone 1(800)847-PAST or (850)245-6333, by Fax (850)245-6437, by mail: Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by email: bhprgrants@flheritage.com.

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 24 hours before the workshop/meeting by contacting: Lynnsey Weissenberger (see contact information above). 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).

For more information, you may contact: Lynnsey Weissenberger (see contact information above).

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

DATE AND TIME: Wednesday, March 24, 2010, 1:00 p.m. – conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to review 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 **Division of Historical Resources**, Bureau of Historic Preservation, Florida Folklife Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 25, 2010, 9:00 a.m.

PLACE: R. A. Gray Building, First Floor, Gallery for Innovation & the Arts, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To advise and assist the Division of Historical Resources and the state folklorist with respect to folk arts, Folklife, and the goals of the Florida Folklife Program, and to elect new officers for the coming year.

A copy of the agenda may be obtained by contacting: Susanne Hunt of the Bureau of Historic Preservation at (850)245-6333 or email: shunt@dos.state.fl.us.