

(b) A separate application to carry forward an unused tax credit is required for each beverage license issued by the Division for which a separate return to report and pay the excise taxes on liquor, wine, and malt beverages is filed with the Division.

(c) Within ten days of receipt of the application, the Department will send written correspondence regarding the amount of the credit carryforward, or the reason the carryforward request could not be approved. For excise tax on liquor, wine, and malt beverages, the Division must approve the carryforward before the Department will issue such correspondence. No request will be approved when the application for a credit allocation carryforward is submitted for a period beyond three years from the year in which the credit allocation was approved.

(d) A taxpayer may not convey, assign, or transfer a credit allocation to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

**(8) RESCINDMENT OF UNUSED TAX CREDITS.**

(a) The rescindment provision allows credit allocations that will not be used by the taxpayer to be reallocated to other taxpayers who may use the credit allocation. Taxpayers must submit an Application for Rescindment of Tax Credit Allocation for Contributions to Nonprofit Scholarship Funding Organizations (Form DR-116100, R. 01/11, hereby incorporated by reference, Effective 01/11) to the Department to rescind all or a portion of unused credit allocation.

(b) An application for rescindment of the unused credit allocation by the Department will not be approved when:

1. The amount of credit allocation requested to be rescinded has been claimed as a credit on a previously filed return;
2. The taxpayer has had more than one approved rescindment of credit within the last three tax years; or
3. The allocation year is closed for all taxpayers. The allocation period for a calendar year is closed for all taxes and all taxpayers on November 30 of the subsequent calendar year.

(c) Within ten days of receipt of an application, the Department will send written correspondence regarding the amount of the rescindment, or the reason rescindment could not be approved. For excise tax on liquor, wine, and malt beverages, the Division must approve the rescindment before the Department will issue such correspondence.

(d) When the approval of a rescindment allows the tax credit cap for a state fiscal year to be reopened and available for allocation, the Department will notify each nonprofit scholarship funding organization that the tax credit cap is available for allocation.

(9) APPLICATIONS. Copies of the applications used by the Department in the administration of the Florida Tax Credit Scholarship Program are available, without cost, by one or more of the following methods: 1) downloading the application

from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Rulemaking Authority s. 20, Ch. 2010-24, L.O.F. Law Implemented 92.525(1)(b), 211.02, 211.026, 212.183, 213.37, 220.187, 624.51055 FS., Ch. 2010-24, L.O.F. History--New

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: January 21, 2010

**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**

The South Florida Water Management District (District) hereby gives notice:

On January 13, 2011, the District Governing Board issued SFWMD Order No. 2011-008-DAO-ROW was issued to Granada Estates Homeowners Association (Application No. 10-1104-1). The petition for waiver was received by the District on November 4, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida

Administrative Weekly, Vol. 36, No. 47, on November 24, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow a proposed cross-fence with a 36" wide pedestrian pass thru and a 16' double wide vehicular access gate within the C-103S north right of way; Section 17, Township 57 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which prohibits the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works of lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

---

The the South Florida Water Management District (District) hereby gives notice:

On January 13, 2011, the District Governing Board issued SFWMD Order No. 2011-009-DAO-ROW to Palm Beach County (Application No. 10-0128-1). The petition for waiver was received by the District on August 6, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 34, on August 27, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow for the relocation of a high mast street light, mast arm traffic signalization pole and associated above ground pull boxes located with the northeasterly bridge quadrant in conjunction with the SR7/US441 bridge widening crossing the C-51 Canal; Section 36, Township 43 South, Range 41 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which prohibits the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and within the District's designated 100 foot long equipment staging areas located at all bridge and pile-supported utility crossings within works of lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's

current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

---

The the South Florida Water Management District (District) hereby gives notice:

On January 13, 2011, the District Governing Board issued SFWMD Order No. 2011-010-DAO-ROW to Charles and Maria Torres (Application No. 10-0812-3). The petition for waiver was received by the District on November 9, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 47, on November 24, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow existing landscaping that is within 40 feet from top of bank within the north right of way C-2 Canal to remain; Section 33, Township 54 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which prohibits the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works of lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

---

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN that on January 21, 2011, the Agency for Health Care Administration, received a petition for Variance from or Waiver of subsection 59A-7.034(10), Florida Administrative Code, from the Public Health Trust of Miami-Dade County, Florida. The amended petition addresses the fact that subsequent to the filing of its original petition, the numbering in Rule 59A-7.034, Florida Administrative Code, was changed. The subsection to which the variance or waiver was sought has been moved to subsection 59A-7.034(10),

Florida Administrative Code. The petition requests a variance or waiver of the rule regarding alternate site testing as to interstitial brain fluid rather than whole blood. The specific provision on which the variance or waiver is sought is now subsection 59A-7.034(10), Florida Administrative Code. The Petitioner seeks a variance or waiver on a permanent basis.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

---

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on January 14, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for a Routine Variance on December 10, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Curbside Cafe located in Boca Raton. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The Petition was published in Vol. 36/52 on December 30, 2010 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the three-compartment and handwash sinks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. Petitioner shall also ensure that the three-compartment and handwash sinks are provided with hot and cold running water under pressure; and the handwash sink is provided with soap, approved hand drying devices and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting:

Lydia.Gonzalez@dbpr.state.fl.us  
 Division of Hotels and Restaurants  
 1940 North Monroe Street,  
 Tallahassee, Florida 32399-1011

---

The Construction Industry Licensing Board hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver for Seth Asher Rabinowitz. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 49, of the December 7, 2007, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on January 10, 2008. The Petition requested a Variance or Waiver of Rule 61G4-16.005, Florida Administrative Code, with respect to the duration of validity of exam results.

The Board's Order, filed on October 16, 2008, denies the Petition for Variance or Waiver of Rule 61G4-16.005, Florida Administrative Code. Petitioner has not shown that he would suffer a demonstrated economic, technological, legal, or other type of hardship that would constitute a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

---

NOTICE IS HEREBY GIVEN that on January 11, 2011, the Board of Professional Engineers, received a petition for Variance or Waiver of paragraph 61G15-20.007(2)(a), F.A.C., filed by Diane S. Perera, Esq. on behalf of Lygia Torres. The Petitioner seeks the Variance or Waiver from paragraph 61G15-20.007(2)(a), F.A.C., with respect to the requirement that each applicant for a Florida engineers license must demonstrate the completion of a substantial equivalency for the general education course requirements.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with the Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303-5268, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, at the above address or telephone (850)521-0500.

---

NOTICE IS HEREBY GIVEN that on January 14, 2011, the Florida Real Estate Appraisal Board, received a petition for Stacy Louise Fretina, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building,

North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board 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."

---

The Bureau of Beaches and Coastal Systems hereby gives notice:

That the Bureau issued an order granting a variance to Bruce Leeds regarding PB-988, an application to construct a major habitable structure. The petition for variance was received on July 20, 2010. Notice of receipt of petition requesting variance was published in the F.A.W. Vol. 36, No. 31, on August 6, 2010. No public comment was received. The petition was approved on January 20, 2011. This Order grants a variance from subsection 62B-33.005(8), F.A.C., which requires that major structures be located a sufficient distance landward of the frontal dune. The petitioner was able to demonstrate that strict adherence to the rule would create a substantial hardship, violate the principles of fairness, and that the underlying statute's purpose will be or has been achieved by other means. The property is located at 4205 S. Ocean Blvd., Highland Beach, Palm Beach Co.

A copy of the Order or additional information may be obtained by contacting: Debbie Bohlen at (850)488-7816 or by e-mail at: [debbie.bohlen@dep.state.fl.us](mailto:debbie.bohlen@dep.state.fl.us).

---

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on January 26, 2011, the Board of Clinical Laboratory Personnel, received a petition for Karen R. Duggan. Petitioner is seeking a variance or waiver of paragraph 64B3-5.002(1)(d), Option 6, Florida Administrative Code, which requires five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which the licensure is sought. Option 6 also requires the TS (ABB) examination for the specialty sought.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

---

NOTICE IS HEREBY GIVEN that on January 26, 2011, the Board of Clinical Laboratory Personnel, received a petition for Elaine Van Horn. Petitioner is seeking a variance or waiver of Rule 64B3-5.004(3)(a), Florida Administrative Code, which

sets forth the requirements for a specialty licensure as a technician in microbiology, serology/immunology, clinical chemistry, hematology, and immunohematology.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

---

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Gonzalo Romo Demiguel, filed on August 11, 2010. The Notice of Petition for Variance was published in Vol. 36, No. 46, of the November 19, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 3, 2010. The petition requested a waiver or variance from the requirement imposed by Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduation senior.

The Board's Order, filed on December 23, 2010, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of Rule 64B5-2.0146, Florida Administrative Code, would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2) of the Florida Statutes and Rule 64B5-2.0146 of the Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of Rule 64B5-2.0146, Florida Administrative Code.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

---

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Richard Kaplan, D.D.S., filed on July 26, 2010. The Notice of Petition for Variance was published in Vol. 36, No. 32, of the August 13, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 17, 2010. The petition requested a waiver or variance from the requirement imposed by paragraph 64B5-2.013(3)(c), Florida Administrative Code, that each applicant for a Florida dental license successfully comply all three examinations as provided in Section 466.006, Florida Statutes, within a 13 month period to qualify for licensure.

The Board's Order, filed on October 8, 2010, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542 of the Florida Statutes, and Chapter 28-104, Florida Administrative Code. Additionally, Petitioner has demonstrated that strict application of paragraph 64B5-2.013(3)(c), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of paragraph 64B5-2.013(3)(c), Florida Administrative Code.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Romina L. Valguarnera, R.D.H., filed on October 4, 2010. The Notice of Petition for Variance was published in Vol. 36, No. 34, of the August 27, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 17, 2010. The petition requested a waiver or variance from the requirement imposed by paragraph 64B5-2.0135(1)(a), F.A.C., as to an applicant for a Florida dental license must successfully complete all portions of the examination within a thirteen month period in order to qualify for licensure.

The Board's Order, filed on October 8, 2010, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes, and Chapter 28-104, Florida Administrative Code. Additionally, Petitioner has demonstrated that strict application of paragraph 64B5-2.0135(1)(a), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of paragraph 64B5-2.0135(1)(a), Florida Administrative Code.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that on January 19, 2011, the Board of Massage Therapy, received a petition for waiver or variance filed by Donna L. Stone, seeking a waiver or variance of Rule 64B7-28.010, F.A.C., with respect to the requirements for Board approval of continuing education programs.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Jusevitch, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

The Board of Nursing Home Administrators hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Marie L. Geary. The Notice of Petition for Variance or Waiver was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on July 23, 2010. The petition requested a waiver or variance from the requirement imposed by Rule 64B10-11.002, Florida Administrative Code, with respect to the following licensure requirement: the applicant must pass the required examinations administered by the National Association of Boards of Examiners of Nursing Home Administrators.

The Board's Order, filed on August 13, 2010, grants the Petition for Variance or Waiver of Rule 64B10-11.002, Florida Administrative Code, finding that Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically, Petitioner has demonstrated that Petitioner's 1999 NAB score is accepted as a passing score. Additionally, Petitioner has demonstrated that strict application of Rule 64B10-11.002, Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of Rule 64B10-11.002, Florida Administrative Code.

A copy of the Board's Order may be obtained by contacting: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Nursing Home Administrators hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Augusto Cesar Menendez. The Notice of Petition for Variance or Waiver was published in Vol. 36, No. 19, of the May 14, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on July 23, 2010, 2010. The petition requested a waiver or variance from the requirement imposed by paragraph 64B10-11.002(2)(a), Florida Administrative Code, with respect to whether a masters and bachelor degrees meet the requirement for a baccalaureate degree from an accredited college or university with a major in health care administration or has credit for at least 60 semesters hours in subject as defined under Rule 64B10-11.007, Florida Administrative Code, to be eligible for licensure.

The Board's Order, filed on August 13, 2010, grants the Petition for Variance or Waiver of paragraph 64B10-11.002(2)(a), Florida Administrative Code, finding that

Petitioner has complied with the requirements of Section 120.542(2) of the Florida Statutes. Specifically, Petitioner has demonstrated that he has equivalent credit for 60 semester hours in the subjects defined by Rule 64B10-11.007, Florida Administrative Code. Additionally, Petitioner has demonstrated that strict application of paragraph 64B10-11.002(2)(a), Florida Administrative Code, would create a substantial hardship or violate principles of fairness within the meaning of Section 120.542(2), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of paragraph 64B10-11.002(2)(a), Florida Administrative Code.

A copy of the Board's Order may be obtained by contacting, Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that on January 7, 2011, the Board of Physical Therapy Practice, received a petition for a temporary waiver filed by Louis A. Greenwald, from Rule 64B17-3.003, F.A.C., with regard to practicing physical therapy in the state of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)488-0595. Comments on this petition should be filed with the Board of Physical Therapy Practice/MQA within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on January 14, 2011, the Department of Health, Bureau of Community Environmental Health, received a petition for Michael Kovacs on behalf of Clear Medical, Inc., which was received by the Department on September 9, 2010, and published in Vol. 36, No. 40 of the October 15, 2010, Florida Administrative Weekly, has been granted. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a permanent variance from subparagraph 64E-16.004(2)(d)3., Florida Administrative Code, which requires reusable sharps containers shall be emptied into a treatment cart or directly into the treatment unit. The Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule.

A copy of the Petition for Variance or Waiver 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 by calling (850)245-4273.

## 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: February 22, 2011, 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.