

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF CORRECTIONS

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 33-601.713 | Inmate Visiting – Definitions |
| 33-601.714 | Inmate Visiting – General |
| 33-601.715 | Visiting Application Initiation Process |
| 33-601.716 | Visiting Record Management |
| 33-601.717 | Visiting Denial |
| 33-601.718 | Review of Request for Visiting Privileges |
| 33-601.725 | Permissible Items for Visitors |
| 33-601.731 | Revocation or Suspension of Visiting Privileges |
| 33-601.732 | Reinstatement of Revoked or Suspended Visiting Privileges |
| 33-601.733 | Visiting – Special Status Inmates |
| 33-601.735 | Non-Contact Visiting |
| 33-601.737 | Visiting – Forms |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

| RULE NO.: | RULE TITLE: |
|-------------|--|
| 61G5-22.006 | Facials (Including Skin Care and Hair Removal) |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

| RULE NO.: | RULE TITLE: |
|-------------|---|
| 61G5-22.017 | Minimum Curriculum for Facial Specialty Training. |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

| RULE NO.: | RULE TITLE: |
|-------------|---|
| 61G5-31.004 | Hair Braiding and Hair Wrapping Course Requirements |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

| RULE NO.: | RULE TITLE: |
|------------|---|
| 68D-24.155 | St. Johns County Boating Restricted Areas |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 9, March 4, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rule incorrectly stated that a final public hearing would be held on April 6-7, 2011 for the proposed rule. The notice should have instead stated that **IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 25, 2011, the South Florida Water Management District (District), received a petition for waiver from Kenneth A. and Patricia A. Wilborn, Application No. 11-0126-1, for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the Golden Gate Main Canal for the proposed installation of 2 removable chain link cross-fences crossing the north right of way of the Golden Gate Main Canal at the rear of 3247 German Woods Court, Naples, FL; Section 29, Township 47 South, Range 26 East, Collier County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of above-ground

permanent and/or semi-permanent above-ground encroachments within 40' of the top of the canal bank within Works and 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 at 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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on March 15, 2011, the Agency for Health Care Administration, received a petition for waiver of subsection 59A-35.100(2) F.A.C., filed by Orlando Women’s Center LLC. This facility is located at 1103 Lucerne Terrace, Orlando, Florida 32806. This rule states that with the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal. The Petitioner seeks a waiver of this rule as to the requirement that more than one license will not be issued to operate the same provider types at the identical physical or street address. The Petitioner is seeking a renewal of its’ license.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Saliba, Esquire, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, FL 32308, Richard.saliba@ahca.myflorida.com, Telephone (850)412-3666, Fax (850)413-9391. Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on March 24, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from OPKC Favorites Grill & Bar located in Orange Park. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment under the same ownership.

The Division of Hotels and Restaurants 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.

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 March 24, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from OPKC Ice Cream Stand located in Orange Park. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment under the same ownership.

The Division of Hotels and Restaurants 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.

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 March 21, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, from Moments In Time Catering located in Fort Lauderdale. The above referenced F.A.C. addresses the requirements that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business for customer use only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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 March 24, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code,

Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from El Cubano Express located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on February 16, 2011 the Department received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Hernandez Lunch Truck located in Bartow. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition was published in Vol. 37/09 on March 4, 2011. The Order for this Petition was signed on March 21, 2011 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 that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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.

NOTICE IS HEREBY GIVEN that on March 22, 2011, the Electrical Contractors' Licensing Board, received a petition for Jason A. Meyers, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Alan Grossman, filed on April 22, 2010. The Notice of Petition for Variance or Waiver was published in Vol. 36, No. 24, of the June 18, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 17, 2010. The Petition requested a Variance or Waiver of subsection 61G15-20.0015(5), Florida Administrative Code, with respect to Petitioner having held a valid professional engineers license in another state for 15 years and has 20 years of continuous professional-level experience with a non-engineering degree.

The Board's Order, filed on August 23, 2010, grants the Petition for Variance or Waiver of subsection 61G15-20.0015(5), Florida Administrative Code. The Board found that Petitioner has met the purpose of the underlying statute based upon the length and type of experience as a professional engineer in New Jersey, and has otherwise shown that the application of the rule violates principles of fairness.

A copy of the Board's Order may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on March 25, 2011, the Board of Clinical Laboratory Personnel, received a petition for Charles Peloquin. Petitioner is seeking a variance or waiver of subsection 64B3-11.001(1), F.A.C., which requires that in order to renew a clinical laboratory personnel license, a minimum of 24 contact hours of continuing education shall be earned during each biennium.

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 March 18, 2011, the Board of Medicine, received a petition for variance or waiver filed by Amr Hassan Badawy, 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 the 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: Joy Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation hereby gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: MALABAR COVE II, LTD

DATE PETITION WAS FILED: February 16, 2011

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment Incentive Loan (“SAIL”) Program loans to be deferred to the extent “Development Cash Flow” as defined under subsection 67-48.002(30), F.A.C. is insufficient.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 25, 2011, Vol. 37, No. 9

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: March 18, 2011

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 or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing’s website at floridahousing.org.

The Florida Housing Finance Corporation hereby gives notice: of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: FOUNTAINS AT MILLENIA IV, LLLP

DATE PETITION WAS FILED: February 16, 2011

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment Incentive Loan (“SAIL”) Program loans to be deferred to the extent “Development Cash Flow” as defined under subsection 67-48.002(30), F.A.C., is insufficient.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 25, 2011, Vol. 37, No. 9

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: March 18, 2011

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 or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing’s website at floridahousing.org.

The Florida Housing Finance Corporation hereby gives notice: of the entry of an Order Granting a Petition for Waiver or Variance

NAME OF THE PETITIONER: PACES FOUNDATION, INC.

DATE PETITION WAS FILED: August 18, 2010

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-48.004 and 67-21.003, F.A.C., which authorize Florida Housing Finance Corporation to preclude applicants from participating in the Universal Cycle process based solely on alleged outstanding financial obligations.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION:

Florida Administrative Weekly, September 3, 2010, Vol. 36, No. 35

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: March 18, 2011

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 or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

NOTICE IS HEREBY GIVEN that on March 29, 2011, the Florida Housing Finance Corporation, received a petition for Waiver or Variance From the 2009 Qualified Allocation Plan ("QAP") Requirements for Returning Housing Credit Allocations and for an Immediate Allocation of 2011 Housing Credits from Town Parke, Ltd. The petition is seeking a waiver of subsection 67-48.002(95), F.A.C., (2009) which incorporates the QAP with respect to the housing credit program.

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 at 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission hereby gives notice that Sarasota Crew has withdrawn its request for a variance from a portion of the Sarasota County manatee protection (Rule 68C-22.026, Florida Administrative Code). The Commission received the original request on July 8, 2010, and a notice of petition was published on August 27, 2010, in the Florida Administrative Weekly (Vol. 36, No. 34). The request had sought authorization to allow the applicant and associated parties to operate small, outboard-driven safety launches (generally a 16-foot johnboat or semi-v boat with a 25 horsepower engine) at speeds greater than Slow Speed (and less than 20 MPH except in emergencies) while accompanying rowing boats and shells during training and competitions. Additional information can be obtained by contacting: Mr. Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, FL 32399-1600 (or by calling (850)922-4330).

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 18, 2011, 11:00 a.m.

PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Executive Committee will meet to discuss spring events, income and expense reports, marketing reports and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us.

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 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us. 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: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us.

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2011, 11:00 a.m.

PLACE: R.A. Gray Building, Secretary's Conference Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Museum of Florida History's La Florida exhibit.

A copy of the agenda may be obtained by contacting: Elyse Cornelison at the Museum of Florida History, (850)245-6400.

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 7 days before the workshop/meeting by contacting: Elyse Cornelison at the Museum of Florida History, (850)245-6400. 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).