

AHCA, participants in the process included self-advocates (clients), family members, providers and provider associations, waiver support coordinators, representatives from advocacy groups including Florida Association for Rehabilitation Facilities (FARF), the Family Care Council, Arc of Florida, Florida Association of Support Coordinators, Sunrise (a provider agency) and Mentor (a provider agency). After the initial introduction of the APD Residential Habilitation rate structure, additional input was obtained from the various affected groups. The Agency for Persons with Disabilities received, considered and incorporated comments from the provider community regarding its position on the proposed rate adjustments.

Constitutional and statutory due process requirements are met as an opportunity for judicial review of the emergency rule is provided by Section 120.54(4)(a)3., F.S., and an opportunity to contest the emergency rule is provided by Section 120.5615, F.S.

**SUMMARY:** The emergency rule implements the mandate of the Florida Legislature in Chapter 2007-64 of the Laws of Florida amending Sections 393.0661(3)(f)4. and 393.0661(3)(f)8., F.S. (2007) and the budget proviso requirements of the 2007 General Appropriations Act. It supersedes Rule 59GER07-2. Chapter 2007-64, Laws of Florida required: Section 393.0661(3)(f)8., F.S. The agency [for Persons with Disabilities] shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

The budget proviso to the 2007 General Appropriations Act provides: The agency [for Persons with Disabilities] shall implement a consolidated Residential Habilitation rate structure to increase savings to the state through a more cost effective payment method and establish uniform rates for the Intensive Behavior Residential Habilitation services.

The Emergency Rule establishes the rates paid providers of residential habilitation services provided to developmentally disabled individuals enrolled in the Developmental Disabilities Home and Community Based Services Medicaid waiver. Residential habilitation provides supervision and specific training activities that assist the recipient to acquire, maintain or improve skills related to activities of daily living.

The purpose of Rule 59GER08-1, is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008.

The Agency for Health Care Administration published a Notice of Proposed Rulemaking for proposed changes to residential rehabilitation rates paid by the Agency for Persons with Disabilities to providers in the February 8, 2008, Florida Administrative Weekly. The Agency conducted a public hearing on Monday, March 3, from 2:00 to 4:00 p.m.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, Kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

59GER08-1 Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008, which is incorporated by reference. The Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 393.066, 393.0661, 409.906, 409.908 FS., Chapter 2007-64, L.O.F. History—New 3-31-08.

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: March 31, 2008

#### **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

#### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on March 26, 2008, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of Rule 11B-35.0011, F.A.C.,

from Daniel J. Staub. Petitioner wishes to waive that requirement of the rule that an officer successfully complete the basic abilities test prior to entering into a basic recruit training program.

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 32302-1489, (850)410-7676. Comments on the petition may also be directed to the above.

---

#### **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 March 28, 2008, the South Florida Water Management District (District), received a petition for waiver from Collier County Board of County Commissioners, Application No. 07-0910-1, amending its previous petition for waiver submitted on November 27, 2007, for utilization of Works or Lands of the District known as the Cocohatchee Canal, Collier County, for the proposed installation of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank associated with the installation of bollards (posts) along a proposed 12' wide asphalt multi-use path to be located within the north right of way of the Cocohatchee Canal, Sections 23 and 24, Township 48 South, Range 26 East. The petition seeks relief from paragraph 40E-6.221(2)(a) and (i), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at [jtriola@sfwmd.gov](mailto:jtriola@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 Triola, Office of Counsel.

---

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

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Agency for Health Care Administration, received a petition for variance from Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code.

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Pediatric Services of America, Inc. Petitioner operates home health agencies with nine licenses. The ownership of the home health agencies has changed in September 2007. The Petition requests a variance from Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code. Rule 59A-8.004, F.A.C., incorporates by reference the forms required for home health licensure including Application for Change of Ownership, form number AHCA 3110-1012. This application requires the applicant to specify the geographic service area by county in which home health agency expects to provide services. The application further requires that the counties be within a single "AHCA area." Subsection 59A-8.007(1), F.A.C., states that:

All home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to Sections 408.032(5) and 400.497(7), F.S., in which the main office is located provided that the license application includes a plan for:

- (a) Coverage of the professional staff which takes into account the projected number of clients in the requested geographic service area, and
- (b) Supervision of the staff in the requested geographic service area. AHCA shall authorize a geographic service area if there are a sufficient number and type of staff and supervision to meet the needs of the geographic service area.

Petitioner is seeking a permanent variance from the rule so as to allow the new owners to serve Pediatric Services of America's Lake County patients (Area 3) without having to establish a home health agency office in an Area 3 county.

The Agency 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).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg 3, Mail Stop 3, Tallahassee, Florida 32308. For additional information, please contact Mark Hinely, Office of the General Counsel, at the above address, or telephone (850)922-5873.

---

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on March 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Flagler Eleven located in Miami. The above referenced F.A.C. states that all bathrooms shall be

of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment and have seating for nineteen.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Genna Pizza Company located in Melbourne. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizza Fusion located in Fort Lauderdale. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of fourteen (14).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Taconazo located in Tampa. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one unisex handicap accessible bathroom and one men's bathroom for patrons and they are requesting a variance to have a seating capacity of sixty (60).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, 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, from Nature's Table located in Kissimmee. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use bathroom facilities that are located outside of the establishment that are approximately fifty (50) feet away.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.'s), from Sara's Hershey Ice Cream located in St. Petersburg. The above referenced F.A.C.'s state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 19, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Yanni's Mediterranean Cuisine located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of thirty (30).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 20, 2008, 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, from K.J.'s Kitchen located in Atlantic Beach. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Main Street Station located in Daytona Beach. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code.... Specifically, the Petitioner requests to have exposed joists in the ceiling of the bar area.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Twistee Treat of Clermont located in Clermont. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated...The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 26, 2008, the Board of Accountancy, received a petition for Robin K. Smith, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31, 2008, and will not be accepted if it is postmarked or completed on-line after that date.

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 March 31, 2008, the Board of Accountancy, received a petition for Monica Salomon, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31 and will not be accepted if it is postmarked or completed on-line after that date.

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 April 2, 2008, the Department of Environmental Protection has issued an order.

The order is for the FMC Corporation variance petition (OGC File No. 07-2163), received on November 29, 2007. The petition requested a variance from the zone of discharge (ZOD) prohibition for discharges through wells under subsection 62-522.300(3), F.A.C., for the use of Dissolvine® E-FE-13 (Dissolvine) to help cleanup sites contaminated with chlorinated ethenes, phenolics, polyaromatic hydrocarbons, petroleum hydrocarbons, BTEX, MTBE, 1,4-dioxane, and other contaminants. Specifically, the variance requested a ZOD for arsenic, cadmium, chromium, mercury, nickel, lead, cobalt, and molybdenum within a 50-foot radius from the point of discharge for a duration of 365 days. Notice of receipt of this petition was published in the F.A.W., on January 25, 2008. No public comment was received. The final order granted a variance from the ZOD prohibition 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 conditions require that the use of this product must be through a Department-approved remedial action plan, or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the ZOD for arsenic, cadmium, chromium, mercury, nickel, lead, cobalt, and molybdenum shall be within a 50-foot radius from the points of injection and the duration of the ZOD shall be one year from the last injection; that the injection of Dissolvine shall be at such a rate and volume (Dissolvine concentration no greater than 10 percent) that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of Dissolvine based on site-specific hydrogeology and conditions.

A copy of the Order may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654.

#### DEPARTMENT OF HEALTH

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Kevin Ray Richardson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 7, February 15, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed telephonic public meeting held on March 14, 2008.

The Board's Order, filed on March 28, 2008, grants the Petition for Variance or Waiver of subsection 64B6-8.003(8), Florida Administrative Code. The Board finds that the Petitioner has complied with Section 120.542(2), Florida Statutes, by demonstrating that his request is consistent with Section 484.045, F.S., and that strict application of the rule would violate principles of fairness because documentation was sent to an incorrect address; thus, he was unable to sit for the first examination, which was deemed a failure.

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

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Rick Stegbauer. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 8, February 22, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed telephonic public meeting held on March 14, 2008.

The Board's Order, filed on March 28, 2008, denies the Petition for Variance or Waiver of subsection 64B6-8.003(5), Florida Administrative Code. The Board finds that the Petitioner has not complied with Section 120.542(2), Florida Statutes, and that the Petition for Waiver and Variance should be denied on the following grounds: Petitioner failed to demonstrate that full application of subsection 64B6-8.004(5), F.A.C., to his circumstances would violate principles of fairness or create substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Ricardo E. Huete, M.D., on January 4, 2008, seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for passage of the FLEX in one sitting. The Notice was published in Vol. 34, No. 3, of the F.A.W., on January 18, 2008. The Credentials Committee, at its meeting held on January 31, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 2, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on March 3, 2008 on behalf of Lda Abreu. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a permanent variance or waiver of an examination requirement under Rule 64B9-4.002, F.A.C., entitled "Requirements for Certification." Specifically, the Petitioner requests that on the basis of principles of fairness, as described in the Petition, the Board grant a permanent variance or waiver of the requirement under Rule 64B9-4.002, F.A.C., that is now preventing the Petitioner to sit for a certification exam for OB/GYN, Neonatal Nursing in the State of Florida. Should the Board decide not to grant a permanent waiver in this matter, the Petitioner requests in the alternative that the Board consider a temporary waiver, with stipulations as stated in the Petition, or preferably to obtain licensure by endorsement as allowed under Section 464.009, F.S., entitled "Licensure by Endorsement."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on March 3, 2008 on behalf of Med Vance Institute, a Practical Nursing education provider. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of Nursing education requirements governing the maximum number of students allowed to be admitted to a practical nursing educational program. Specifically, and as a result of an inadvertent misunderstanding by the Petitioner as to the maximum number of students allowed to be admitted to a practical nursing educational program, the size of the student enrollment for March 2007 and September 2007 was exceeded.

While the Petitioner has taken steps to ensure this mistake is not again repeated, the Petitioner requests that only in these instances of over enrollment, the Board waive the student enrollment requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

---

The Board of Occupational Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Pamela Evans. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 7, February 15, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed public meeting held on March 17, 2008.

The Board's Order, filed on March 27, 2008, acknowledges that the Petition for Variance or Waiver of Rule 64B11-5.001, Florida Administrative Code, is deemed approved pursuant to Section 120.542(8), Florida Statutes. Due to inadvertent error, this matter did not come to the Board within the time required by statute.

A copy of the Board's Order may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255.

---

The Board of Occupational Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Carla Kurtz. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 8, February 22, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed public meeting held on March 17, 2008.

The Board's Order, filed on March 27, 2008, denies as moot the Petition for Variance or Waiver of Rule 64B11-5.001, Florida Administrative Code. The Board on its own motion, based on the specific, extenuating circumstances of this case vacated the Uniform Non-Disciplinary Citation. The Board also counted the continuing education units presented by the Petitioner towards the 2005-2007 biennium and required the Petitioner to complete the 26 hours of continuing education as required by rule for the current biennium.

A copy of the Board's Order may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

---

NOTICE IS HEREBY GIVEN THAT on March 17, 2008, the Board of Occupational Therapy, received a petition for a waiver or variance of Rule 64B11-6.001, F.A.C., by Margarita J. Vagnier, regarding the requirements for continuing education.

Comments on this petition should be filed with the Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Allen Hall, Executive Director, at the above address or telephone (850)245-4444.

---

NOTICE IS HEREBY GIVEN THAT on March 21, 2008, the Board of Optometry, received a petition for Variance or Waiver filed on March 21, 2008 on behalf of Kevin W. Wells, O.D. Petitioner seeks a variance of Rule 64B13-4.001, F.A.C. Specifically, the Petitioner, an out-of-state optometrist who has applied for an optometrist license in Florida and who has passed the NBEO examination, requests for reasons stated in the petition that the Board waive or grant a variance of the requirement under Rule 64B13-4.001, F.A.C., entitled "Examination Requirements," which determines that a passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease portions of the NBEO examination within the five years immediately prior to application for the state examination.

A copy of the Petition for Variance or Waiver 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 March 14, 2008, the Department of Health, Office of Trauma has issued an order.

The following is a summary of the proceeding and order closing file for a petition for variance:

On February 4, 2008, a petition was filed by West Florida Regional Medical Center/West Florida Hospital for a variance or waiver of Section 64E-2.023, Florida Administrative Code, as it relates to neurosurgical staffing standards required in the Department of Health Pamphlet 150-9, Trauma Center Standards, which is incorporated by reference. Subsequently, the Petitioner filed a Notice of Voluntary Dismissal on March 5, 2008. On March 14, 2008, the Department of Health, Office of Trauma filed an Order Closing File based on the Notice of Voluntary Dismissal filed by the petitioner.

A copy of the Order may be obtained by contacting: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2760, Fax: (850)488-2512, susan\_mcdevitt@doh.state.fl.us.

---

NOTICE IS HEREBY GIVEN THAT on March 27, 2008, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from George Blanton, D.O., Aero Jet International, Inc.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

The petitioner is not board certified and is requesting variance from this rule requirement.

All comments and requests for copies of the petitions must be received in writing by April 25, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email [lisa\\_walker2@doh.state.fl.us](mailto:lisa_walker2@doh.state.fl.us).

---

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

NOTICE IS HEREBY GIVEN THAT on February 29, 2008, the Department of Children and Family Services, received a petition for waiver of Rule 65C-15.017, F.A.C. The petition was received by Children's Home Society and Ryan Costello, assigned Case No. 08-004W. Rule 65C-15.017, F.A.C., states that an agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or a master's degree in social work or a 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 Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

---

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Department of Children and Family Services, received a petition for waiver of Rule 65C-15.017, F.A.C. The petition was received by Children's Home Society of Florida and Frank Rick Bosley. Rule 65C-15.017, F.A.C., states an agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or a 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 Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

---

#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: The Landings at Carver Park, LLLP

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-21.006(2), F.A.C., and Part III A.3.B. and 4, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 1

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE VARIANCE OR WAIVER FILE: March 14, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org).

---

NOTICE IS HEREBY GIVEN THAT on March 28, 2008, the Florida Housing Finance Corporation, received a petition for Waiver/Variance of subsection 9I-35.006(6), Florida Administrative Code, from Liberty Center II, Ltd. ("Petition"). The Petition is seeking a variance of the requirement which imposes certain conditions on mortgage loans issued by the Corporation under the SAIL program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. 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 the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

---

NOTICE IS HEREBY GIVEN THAT on April 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsection 67-38.014(3), Florida Administrative Code, from Apopka Taylor Apartments, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow for reimbursement of site acquisition costs incurred prior to the closing a Predevelopment Loan Program loan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records 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 [www.floridahousing.org](http://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

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: April 29, 2008, 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.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and