

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.171	Transfer Facilities
62-730.182	Criteria to Determine Whether Changes Constitute a “Substantial Modification” at Certain Existing Hazardous Waste Facilities That Are Otherwise Exempt From Statutory Location Standards
62-730.900	Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly.

The correction will revise the NAME OF THE AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Julie Rainey at julie.c.rainey@dep.state.fl.us or (850)245-8713 or Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 4560, Tallahassee, Florida 32399-2400.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: ~~Frank Peterman, Jr., Secretary~~ ~~Darryl Olson, Assistant Secretary for Residential Services~~

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-7.001	Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-16.002	Preceptor

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 12, of the March 21, 2008, issue of the Florida Administrative Weekly. The change is in response to concerns of by the Joint Administrative Procedures Committee in letters dated April 15, 2008 and May 8, 2008, regarding the proposed revision to form DOH/NHA014, Revised 9/2007. The change is as follows:

64B10-16.002(2) shall read as:

(2) Each person desiring to be a preceptor must submit a completed application with the appropriate fees as required by Rule 64B10-12.012, F.A.C. The applicant shall include the states and dates of issuance of all the applicant’s professional licenses, including those as a nursing home administrator.

64B10-16.002(3) shall read as:

(3) Each person desiring to be a preceptor must be a practicing nursing home administrator in any jurisdiction for three of the last five years and must have had no disciplinary action taken against him or her during that time frame.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**Section IV
Emergency Rules**

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**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on August 1, 2008, the Department of Community Affairs has issued an order. Granting a Petition for Waiver or Variance.

NAME OF PETITIONER: Town of Horseshoe Beach, Florida.
 DATE PETITION WAS FILED: June 30, 2008.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: That portion of paragraph 9B-43.005(8)(a), Florida Administrative Code, which requires that any procurement which must be publicly noticed allow at least 12 days for receipt of the bids or proposals. This was a regular request – not temporary or emergency in nature.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., July 18, 2008, Vol. 34, No. 29.

THE DATE THE SECRETARY APPROVED THE VARIANCE OR WAIVER: July 31, 2008.

THE GENERAL BASIS FOR THE DECISION: The Department concludes that the petitioner’s practices have achieved the underlying statutory purpose for the Rule, and that the procurement was conducted with full and open competition, consistent with the standards of 24 CFR §85.36.

A copy of the Order may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on July 30, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.002(4), F.A.C., by Daniel Santiago. Petitioner wishes to waive that section of the rule requiring officers to become employed within four years of beginning basic recruit training.

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)410-7687. Comments on the petition may be directed to the above as well.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on July 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

An Emergency Variance for subsection 61C-4.010(6), Florida Administrative Code (F.A.C.) from Jimmy Buffet’s Margaritaville located in Orlando. The above referenced

F.A.C. references the provisions of Chapter 6, 2001 Federal Drug Administration Food Code, which prohibits live animals on the premises of a food establishment. They are requesting a variance to have animals (birds) present outside a food service establishment.

This variance request was approved and is contingent upon the Petitioner ensuring that the birds will have no direct or indirect contact that may contaminate food; clean equipment, utensils, linens, or unwrapped single-service or single-use articles. Approval is also contingent upon the birds being located in and confined to an area where food preparation and storage or warewashing do not occur.

A copy of the Order may be obtained by contacting: Rhonda Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 29, 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 (F.A.C.) from Sia’s Pizza Place located in North Miami Beach. 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 to be take-out only with no seats.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 17, 2008, the Board of Accountancy, received a petition for Stacey Gutierrez, seeking a variance or waiver of subsection 61H1-33.003(6), Florida Administrative Code, which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50.00 fine within 60 days.

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

NOTICE IS HEREBY GIVEN THAT on July 14, 2008, the Board of Accountancy, received a petition for Manuel Trillo, 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 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 July 23, 2008, the Board of Accountancy, received a petition for Stanley F. Weiner, 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 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."

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition, filed on August 1, 2008, by Edwin A. Bayo on behalf of Adriana Gabaldon, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior; and/or subsection 64B5-7.003(4), F.A.C., with respect to the unacceptability of experience obtained by an individual pursuant to a permit issued under the authority of Rule 64B5-7.003, F.A.C. and Section 466.025, F.S., for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S.

Comments on this petition should be filed with the: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on July 30, 2008, the Board of Pharmacy, received a petition for Magdy Fam, seeking a variance or waiver of Rule 64B16-26.2031, Florida

Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission. Petitioner is also seeking a variance or waiver of paragraph 64B16-26.203(3)(a), Florida Administrative Code, which requires that candidates for licensure by examination reapply if all requirements for licensure are not met within one year of the receipt of the application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 16, 2008, the Board of Pharmacy, received a petition for Sayeda Masruh, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 30, 2008, the Board of Pharmacy, received a petition for Kanaklata Roy, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292.

NOTICE IS HEREBY GIVEN THAT on August 5, 2008, the Board of Pharmacy, received a petition for Abdus Salam, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee,

Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 16, 2008, the Board of Pharmacy, received a petition for Miguel Juan Torres, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 28, 2008, the Board of Psychology, received a petition for Stacey Brodie-Walker, seeking a variance or waiver of paragraph 64B19-11.005(1)(c), F.A.C., which requires that a supervisor be either a Florida licensed psychologist or a doctoral-level psychologist licensed in good standing in another state, providing supervision in the state in which the supervisor is licensed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on July 21, 2008, the Department of Financial Services, received a petition for Variance or Waiver submitted by Dwayne D. Whyte, Sr., seeking a temporary waiver or variance from paragraphs 69B-211.042(3)(a), (8)(a), (9)(a), (9)(b), (21)(ww), and subsection 69B-211.041(11), F.A.C., with regard to the restriction on the licensure of persons who have been found guilty of or have pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of one (1) year or more. Comments on this petition should be filed with the: Department of Financial Services, 200 East Gaines Street, Suite 612, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Beverly L. Hayes, Assistant General Counsel, Department of Financial Services, at the above address, or telephone (850)413-4216.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2008, 10:00 a.m.

PLACE: R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The ad hoc Florida Main Street Advisory Committee will meet to consider applications received and formulate recommendations to the Secretary of State for designation of 2008 Florida Main Street Communities.

Up to (3) applicants may be named as "Designated" communities, eligible to receive up to thirty-six (36) months of technical assistance and apply for a one-time ten thousand dollar (\$10,000) grant.

A copy of the agenda may be obtained by contacting: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

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

The **Department of State, Division of Library and Information Services** announces the Florida Library Network Council Meeting.

DATE AND TIME: Tuesday, August 29, 2008, 9:00 a.m. – 4:00 p.m.

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