

Board’s website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry) and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History–New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NOS.:	RULE TITLES:
69L-56.002	Definitions
69L-56.300	Claims EDI Reporting Requirements and Implementation Schedules
69L-56.301	Electronic First Report of Injury or Illness

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

69L-56, F.A.C. Electronic Data Interchange (EDI) ~~Technical~~ Requirements for Proof of Coverage and Claims (Non-Medical).

In response to written comments received from the Joint Administrative Procedures Committee, dated January 26, 2009, and based on subsequent discussions, the Department has deleted the second sentence from subsection 69L-56.002(23); changed “Industry Code” North American Classification System (NAICS) to reflect the most current edition (2007) in subsection 69L-56.002(34); clarified a statutory reference to “volunteer” found in subsection 69L-56.002(41); changed “Manual Class Code” Scopes Manual to reflect the most current Edition (2009) in subsection 69L-56.002(43); amended the “Policy Effective Date” in subsection 69L-56.205(1) to read “on or after October 1, 2009”; changed the word “may” to “shall” in subsection 69L-56.300(2)(b); and, deleted subsection 69L-56.301(10). Multiple references to the IAIABC Claims EDI R3

Implementation Guide have also been changed to reflect the most current Edition, dated 1/01/09. Additional technical changes are also included.

The remainder of the rule reads as previously published.

**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**

**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.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on February 9, 2009, the Agency for Health Care Administration, received a petition for Waiver from subsection 59A-7.020(15), Florida Administrative Code, from Calloway Laboratory, Inc. The Petition seeks a waiver which would allow Petitioner to use customer service representatives in physician offices and clinics to aid in the collection and documentation of urine specimens sent to Calloway’s laboratory without same constituting a violation of the Florida Anti-Kickback Rule.

Please refer all comments to: Amie C. Ragano, Esquire, Assistant General Counsel, Agency for Health Care Administration, 525 Mirror Lake Drive, Suite 330, St. Petersburg, Florida 33701. The Agency for Health Care Administration 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: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

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#### DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN That on February 20, 2009, The Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Brevard County, Inc., Melissa Murphy, Executive Director, 1018 Florida Avenue, Rockledge, Florida 32956, (321)637-1800, ext. 2015.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on February 20, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Variance from Rule 3003.3, Florida Building Code as adopted by Rule 61C-5.001, Florida Administrative Code, which requires "In Case of Fire Use Stairs" signage at each elevator access. The petition was received from Lynette Sharp, Property Manager, on behalf of the Stovall Condominiums, Tampa, FL (VW 2009-021).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 from Jack Blake of Hickory Harbour Condominium Association.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, ASME A17.3, 1996 requiring restricted door openings and Fire Fighter Service Phase 1 and 2 until December 31, 2009 for license number 8081 and December 31, 2010 for license number 2677.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 to Alan A. Glans, Secretary, T-P Condominium Association until March 1, 2012 (VW 2009-342).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 to J. Kent Larson of The Cigar Factory (VW 2009-354).

The petition was granted as the unique construction of the elevator and the fact that it is attendant operated and secured with a key would negate any safety factors the addition of these features would normally provide.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a Variance from Rules 2.20.1, 2.20.9 and 2.24.2, A.S.M.E. A17.1a, 2005 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code and Rule 61C-5.001, Florida Administrative Code, which require steel ropes, specific type wedge shackles with non welded terminations, and grooved sheaves of a minimum pitch diameter to Kyle Leist of Otis Elevator Company on behalf of Maitland Summit III, Maitland, FL (VW 2009-331).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rene Lippmann of Porta Bella Tacht & Tennis Club of Boca Raton to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 31, 2010 (VW2008-338).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 to Michael Marlowe of West Cove Condominiums until March 1, 2012.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 to John Mazor of Moorings of Marco Condominium, March Island, until September 15, 2009 (VW2009-353).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 to Bill Miller of Town Shores Buckingham (VW 2009-340) in Gulfport, FL until January 1, 2012.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, ASME A17.3, 1996 requiring restricted door openings, two-way communication and Fire Fighter Service Phase 1 and 2 until August 31, 2009 to John Nolan of Sunset House Apartments in Marco Island.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 22, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

On January 13, 2009, a Routine Variance for paragraph 61C-4.0161(1)(c) and subsection 61C-4.0161(5), Florida Administrative Code, was received from Raphael Catering located in Jacksonville. The above referenced F.A.C. addresses mobile food dispensing vehicles operating from an approved commissary that meets all applicable requirements of the rule; and the mobile food dispensing vehicles temporarily connecting to an approved utility system for a time period not exceeding one day's operation. Specifically, Petitioner requests to connect their self-sufficient mobile unit to an approved water system, electrical system and use waste water tanks for a time period of 18 to 24 months at a time. This request was originally published in Issue Vol. 35, No. 5, February, 6, 2009 of the Florida Administrative Weekly.

This variance petition has been withdrawn. The job site the Petitioner requested the variance for has completed their project and the variance for this location is no longer needed.

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

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 to Lee Rigby of Vertical Assessment Associates on behalf of Citrus Tower (VW 2009-348) due to the unique construction of the structure making Fire Fighter Service of negligible benefit compared to the cost involved.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order denied a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 to Lee Rigby of Vertical Assessment Associates on behalf of Citrus Tower. The temporary variance was denied because a permanent variance has been granted for that item (VW 2008-349).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The order granted a variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 to Keith Rogers of the City of Tampa for Tampa Old City Hall until February 26, 2010.

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 18, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

A Routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Street Corner Dogs Hot Dog Cart located in Neptune Beach. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be vehicle mounted on axles. The Petitioner is requesting a variance to install casters on the unit rather than axle-mounted tires in order to make the unit otherwise movable from place to place. The request was originally published in the Florida Administrative Weekly in Vol. 35, No. 6 on February 13, 2009.

This variance was approved on February 18, 2009, contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed including, but not limited to, tables, chairs or non-attached cooking equipment. The unit must report to its commissary each day of operation for access to a three-compartment sink for washing and sanitizing equipment and utensils. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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

NOTICE IS HEREBY GIVEN THAT on February 27, 2009, the Board of Professional Engineers, received a petition for Petition for Variance or Waiver filed on February 27, 2009 on behalf of Jan J. Smith. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S. Petitioner seeks a permanent variance or waiver of certain requirements of Rule 61G15-20.007, Florida Administrative Code, which is entitled "Demonstration of Substantial Equivalency." Specifically, the Petitioner requests a permanent variance or waiver of those requirements under

subparagraph 61G15-20.007(1)(a)2., F.A.C., which determine that course work completed by a licensee must be equivalent to an EAC/ABET accredited engineering program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN THAT on February 19, 2009, the Board of Accountancy, received a petition for Brittany Bennett, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria 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**

NOTICE IS HEREBY GIVEN THAT on February 25, 2009, the Board of Chiropractic Medicine, received a petition for Ryan Grand, seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education during all bienniums during which the license was inactive, or for purposes of renewal during the past two years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Sadiq Al-Nakeeb, M.D., on October 28, 2008, seeking a waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard

to the requirement for official transcripts from Petitioner's medical school. The Notice was published in Vol. 34, No. 45, of the Florida Administrative Weekly, on November 7, 2008. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship, 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.

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NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Board of Medicine, received a petition for waiver or variance filed by Victoria Bodine, from subsection 64B8-30.003(1), F.A.C., with regard to the requirement for letters of recommendation for physician assistant applicants. 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: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN that on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Antoine Y. Demosthene, M.D., on October 27, 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. 45, Florida Administrative Weekly, on November 7, 2008. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, 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.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Felipe G. Gercovich, M.D., on November 24, 2008, seeking a waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for official transcripts from Petitioner's

medical school. The Notice was published in Vol. 34, No. 50, Florida Administrative Weekly, on December 12, 2008. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship, 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.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Abdorasool Janati, M.D., on November 20, 2008, seeking a waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for official transcripts from Petitioner's medical school. The Notice was published in Vol. 34, No. 49, Florida Administrative Weekly, on December 5, 2008. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship, 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.

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NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Amer Y. Khan, M.D., on January 2, 2008, has been rendered moot. The Petitioner's request for a waiver from subsection 64B8-4.009(5), F.A.C., with regard to official verification of medical education directly from Petitioner's medical school is unnecessary since the required documentation has been submitted to the Board office. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Bruce R. Noll, M.D., on December 17, 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. 53, Florida

Administrative Weekly, on December 31, 2008. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, 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.

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NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Kenneth W. Pierini M.D., on December 19, 2008, has been withdrawn, upon request of the Petitioner. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on February 27, 2009, the Board of Medicine issued an order. The Petition for Waiver and/or Variance was filed on behalf of Gangaram Ragi, M.D., on December 12, 2008, seeking a waiver or variance from Rule 64B8-8.018, F.A.C., with regard to the rule provision which prohibits physicians with discipline on his license from voluntarily relinquishing said license without the relinquishment being deemed a disciplinary action. The Notice was published in Vol. 34, No. 52 of the Florida Administrative Weekly, on December 26, 2008. The Board, at its meeting held on February 6, 2009, voted to deny Petition for Waiver finding that the Petitioner failed to demonstrate that the purpose of the underlying statute has been or will be achieved by the Petitioner by some other means.

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

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Saied Talaie, M.D., on December 30, 2008, seeking a waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for official transcripts from Petitioner's medical school. The Notice was published in Vol. 35, No. 2, Florida Administrative Weekly, on January 16, 2009. The Credentials Committee, at its meeting held on February 5, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 7, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the

Petitioner demonstrated a substantial hardship, 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.

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2009, the Department of Children and Families, received a petition for waiver of Rule 65C-15.017, F.A.C., from Family Preservation Services of Florida, Inc. and Helen Avery, assigned Case No. 09-009W. Rule 65C-15.017, F.A.C., states staff responsible for performing casework services shall have a bachelor's or master's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd. Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on February 17, 2009, the Department of Children and Families, received a petition for wavier of subsection 65C-15.017(2), F.A.C., from Micheal Davis assigned Case No. 09-010W. Subsection 65C-15.017(2), F.A.C., states staff of a licensed child-placing agency responsible for supervising casework services possess at least a bachelor's degree in social work or a related field.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg, 2, Room 204, Tallahassee, FL 32399-0700.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on February 19, 2009, the Department of Financial Services, Division of State Fire College, received a petition for Variance or Waiver from Petitioner, Jonathan P. Herlocker. The Petition has been assigned the number 102844-09-FM. Petitioner seeks a variance of Rules 69A-37.084 and 69A-37.085, F.A.C., which set forth the requirements for firefighter supplemental compensation. Because Petitioner holds a degree from Pensacola Christian College, which has chosen not to seek accreditation, Petitioner seeks a variance from the requirement that an "eligible Bachelor's Degree" must be conferred by a post-secondary institution that has received accreditation "from an accrediting agency that is recognized by the U.S. Department of Education."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Regina Keenan, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4236.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The Florida **Department of State, State Library and Archives of Florida**, announces a State Library Council Meeting via Conference Call. All persons are invited.

DATE AND TIME: Wednesday, March 25, 2009, 9:30 a.m. – 11:30 a.m.

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc.'s Board of Directors and State Library Council members will receive a brief update on the State Library and Archives' citizen support organization's budget. For additional information, contact: Judith Ring, State Librarian at (850)245-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Library and Information Services, State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Edward N. Johnson Records Information Center, 4319 Shelfer Road, Tallahassee, Florida 32305

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of the Board's Strategic Plan; develop measures to assess the goals and objectives outlined in the Board's National Historical Publications and Records Commission Administrative Support Grant; update members on projects and issues of the State Library and Archives of Florida.

A copy of the agenda may be obtained by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

The Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 23, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of State, Northwood Center, 1940 N. Monroe Street, Ste. 79, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Help America Vote Act State Plan Committee for 2009 will meet to discuss material changes to the HAVA State Plan 2006 for submission to the U.S. Elections Assistance Commission. The committee members will review the requirements of the federal legislation, and shall develop the revisions to reflect those changes to the State Plan as needed in accordance with sections 254-256 of HAVA.

A copy of the agenda may be obtained by contacting: Nolah Shotwell, Executive Administrative Assistant at (850)245-6536 or nlshotwell@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 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Administrative Assistant, (850)245-6536 or nlshotwell@dos.state.fl.us, at least five days in advance of the meeting. 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).

The **Department of State, Division of Cultural Affairs** and the Citizens for Florida Arts, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2009, 3:00 p.m. – conclusion

PLACE: R. A. Gray Building, Room 302, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Board meeting for the Citizen Support Organization, Citizens for Florida Arts, Inc.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490 or be email at rbashmore@dos.state.fl.us.