

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 44, October 31, 2008 Florida Administrative Weekly has been continued from January 13, 2009 to February 10, 2009.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-164.040	Determining Reserve Liabilities for Preneed Life Insurance

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 40, October 3, 2008 Florida Administrative Weekly has been continued from January 13, 2009 to February 10, 2009.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-186.003	Title Insurance Rates
69O-186.005	Premium Schedule Applicable to “Truth in Lending” and Other Endorsements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 22, June 3, 2005 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-186.013	Title Insurance Statistical Gathering

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-204.101	Disclosures to Viator of Disbursement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on January 14, 2009, the Criminal Justice Standards and Training Commission, received a petition for waiver of paragraph 11B-27.0013(8)(f), F.A.C., by Alan Kalfus. The Petitioner wishes to waive that portion of the rule requiring canine team evaluators to become reapproved every four years.

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, (850)410-7676.

**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 January 9, 2009, the South Florida Water Management District, received a petition for waiver from Edward A. Bakay Jr. and Sandra K. Bakay, Application No. 08-0609-2, for utilization of Works or Lands of the District known as the Golden Gate Main Canal, for the proposed installation of a cross fence within 40 feet of the top of the canal bank; Sections 10 & 11, Township 49 South, Range 27 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or

semi-permanent above-ground encroachments (cross fence within forty feet of the top of canal bank) within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@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.: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on December 23, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance request from subsections 61C-1.004(1) and 61C-4.010(5), F.A.C., for Cold Stone Creamery located in Orlando. Specifically, the Petitioner requests to share the three-compartment sink and the mop sink located within an adjacent establishment operated by the same entity.

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 January 8, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received an Emergency Variance Request from subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, for Jeremy’s Big Twist located in Mount Dora. 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...Specifically, the proposed establishment requests to use bathrooms located on a different floor than the restaurant for both customers and employees.

The variance request was approved on January 8, 2009, contingent upon the Petitioner ensuring the public bathrooms located on the second level are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, employee hand washing signage, are available during all hours of operation and are located no more than 300 feet from the establishment. The Petitioner shall also ensure directional signage is installed within and outside the establishment clearly stating the location of the bathrooms. Petitioner will be take-out only with no seats. If the circumstances governing access to the public bathrooms change, this variance approval will be revisited. 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 January 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Routine Variance from subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), for P.J.’s Seafood Restaurant located in Indian Rocks Beach. 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 service establishment. Specifically, the Petitioner requests a variance from the prohibition of animals on the premise in order to have a caged parrot inside the building.

This variance request was approved on January 14, 2009 contingent upon the Petitioner ensuring the parrot will not contaminate, either directly or indirectly, food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. The public will be prohibited from direct contact with the parrot. No other prohibited animals will be allowed on the premise. The display enclosure will be maintained clean, in good repair and exhausted to the outside air. 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 January 8, 2009, the The Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

On October 10, 2008, The Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Rob’s Catering located in Clearwater. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3 and Chapter 6 of the 2001 FDA Food Code. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

This variance request was approved and contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is

enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; the grill depicted on the drawing of the unit is to be disabled; and steam table food is to be dispensed by the operator with no customer self-service.

The Petitioner shall strictly adhere to the operating procedures submitted and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation and shall be adhered to as approved by the Division. Any violation of the variance or operating procedures 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 December 30, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Routine Variance Request for subsection 61C-4.010(6), Florida Administrative Code, on October 3, 2008, from The Roll Bar located in Orlando. 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 inside bars.

This variance request was approved contingent upon the Petitioner having a limited menu in the inside bars where there are exposed studs, joists or rafters. The studs, joists and rafters shall be smooth, nonabsorbent, easily cleanable and maintained in good repair. Food preparation is limited to drink preparation only including the scooping of ice; there will be no other food service activities including slicing of fruit, shucking, peeling, warewashing, or cooking. Only single-service items may be utilized for bar customers. If the surface of the studs, joists or rafters is not maintained, the variance will be rescinded and a properly finished ceiling will be required. 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 November 4, 2008, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Three Sisters Food Service located in Ft. Myers. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3 and Chapter 6 of the 2001 FDA Food Code. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

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 January 12, 2009, the Board of Accountancy, received a petition for Richard Burl Gant, seeking a variance or waiver of paragraph 61H1-33.003(1)(b), F.A.C., which requires that a licensee submit an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period.

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 January 20, 2009, the Department of Environmental Protection has issued an order.

The order was for an emergency temporary variance for the Florida Department of Transportation (FDOT) to exceed the iron standard in Rule 62-520.420, F.A.C., for its dewatering project at the Intermodal Center Exchange at the Miami International Airport. The notice of receipt was published on December 24, 2008. No public comment was received. FDOT demonstrated that an emergency variance was appropriate because of the magnitude of costs involving project construction delays if the variance were processed as a non-emergency petition. Substantial hardship was

demonstrated by FDOT because of the high cost of treatment to meet the iron standard, a non-health based standard. An alternate iron level is established in the Order to be protective of public health, and ground water monitoring will continue. A copy of the Order may be obtained by contacting: Ms. Donnie McClaugherty, DEP, MS 3530, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8645.

DEPARTMENT OF HEALTH

The Board of Opticianry hereby gives notice that it has received a petition, filed on December 12, 2008, by Miguel R. Rodriguez. Petitioner did not state the rule which he is seeking a waiver or variance. However, he asks that the Board consider an exception to the requirement that he has actively practiced in another state for more than three years of the last five years immediately proceeding application.

Comments on this petition should be filed with: Board of Opticianry, 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 January 14, 2009, the Board of Pharmacy, received a petition for Cardinal Health, seeking a variance or waiver of Rule 64B16-27.797, Florida Administrative Code, which requires that the buffer area is to be maintained within ISO Class 7 level of particulate contamination.

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 this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 15, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for waiver from paragraph 64J-1.010(3)(d), Florida Administrative Code, from Sean Hessel.

Nature of Rule: Requires a paramedic whose certificate has been on inactive status for more than 1 year to pass the paramedic certification examination as one of the requirements for activating his or her certificate.

The petitioner mistakenly checked the “voluntary inactive” box on his 2006-2008 renewal form and was not notified by his employer or the Department that his license was in an inactive status. Therefore, he is requesting a waiver of this rule requirement.

All comments and requests for copies of the petitions must be received in writing by February 13, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 14, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Office of Trauma, received a petition for emergency variance from paragraph 64J-2.011(4)(a), Florida Administrative Code, from Variety Children’s Hospital d/b/a Miami Children’s Hospital.

Nature of Rule: Requires a State Approved Pediatric Trauma Center (“SAPTC”) to abide by the standards set forth in Trauma Center Standards, Florida Department of Health Pamphlet 150-9 (“DHP 150-9”), January 2008.

The petitioner is requesting a permanent variance from Standard IV, A of DHP 150-9, requiring a SAPTC to staff an anesthesiologist “in-hospital and promptly available for trauma patient care 24 hours a day.”

All comments and requests for copies of the petitions must be received in writing by January 26, 2009.

A copy of the Petition for Variance or Waiver 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.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following public conference which all persons are invited to attend. The conference will be followed by a press conference.

Council on the Social Status of Black Men and Boys’ Annual Report Presentation and Press Conference

DATE AND TIME: February 24, 2009, 12:00 Noon – 1:00 p.m.

PLACE: Cabinet Meeting Room, Room LL-3, The Capitol Building, 400 South Monroe Street, Tallahassee, FL 32399-0950

Council on the Social Status of Black Men and Boys

DATE AND TIME: February 24, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Cabinet Meeting Room, The Capitol Building, 400 South Monroe Street, Room LL-3, Tallahassee, FL 32399-0950