

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE NO.: 40D-40.302  
 RULE TITLE: Conditions for Issuance of General Permits

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Cosmetology

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

#### 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. 35, No. 8, of the February 27, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns by the Board in that incorrect text was published in the February 27, 2009. The change is as follows:

The paragraph 61G5-22.006(6)(j) shall read as:

(j) Skin Theory, Disease and Disorders of the Skin.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

## 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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-520.600  
 RULE TITLE: Ground Water Monitoring Requirements and Exemptions

#### 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. 34, No. 26, June 27, 2008 issue of the Florida Administrative Weekly.

The Department inadvertently omitted a change from its April 24, 2009, Notice of Change, that had been discussed at the rule adoption public hearing on July 25, 2008.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

(1) through (6) No change.

(a) through (h) No change.

(i) Within ~~60~~ 30 days after installation of any monitoring well, a properly scaled figure depicting monitoring well locations (active and abandoned) with identification numbers shall be submitted to the appropriate permitting program at the Department's District office that issued the permit. The figure also shall include the monitoring well, top of casing, and ground water surface elevations referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to the nearest 0.01 foot, along with monitoring well location latitude and longitude to the nearest 0.1 seconds;

(j) through (l) No change.

(7) through (11) No change.

## 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."

## WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the South Florida Water Management District (District), received a petition for waiver from Lisa Strader, Application No. 09-0422-1, for utilization of Works or Lands of the District known as the C-10 Spur Canal for the proposed installation of a retaining wall and for existing fence and lights to remain within the north right of way of the C-10 Spur, located adjacent

to 3126 N. 34th Street (Emerald Hills Subdivision); Section 05, Township 51 South, Range 42 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of 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: 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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Agency for Health Care Administration has issued an order.

On February 9, 2009, the Agency for Health Care Administration, received a Petition for Variance from Rule 59G-13.083, Florida Administrative Code ("Petition"), from K. S. c/o G. H. ("Petitioner"). Rule 59G-13.083, Florida Administrative Code ("F.A.C."), entitled Developmental Disabilities Waiver Services, governs all developmental disabilities waiver services providers enrolled in the Florida Medicaid program, and incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007 ("Handbook"). Petitioner seeks variance from a portion of the Environmental Accessibility Adaptations provision of the Handbook. The Petition was published in the Florida Administrative Weekly on March 6, 2009. On April 29, 2009, AHCA granted the Petition. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Petitioner has provided facts that constitute competent, substantial evidence to support a variance of Rule 59G-13.083, F.A.C. If this relief is not granted, the literal application of Rule 59G-13.083, F.A.C., to Petitioner would violate the principles of fairness.
- (b) AHCA finds that Petitioner has established that a strict application of Rule 59G-13.083, F.A.C. and the subject handbook provision under the circumstances of this case would lead to unreasonable, unfair, and unintended results, as it may pose a threat to Petitioner's safety and well-being. Additionally, the cost and financial obligations related to environmental adaptations may pose a substantial hardship for Petitioner.

A copy of the Order may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station 3, Tallahassee, Florida 32308.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for variance from Martin Cole, President, Alanik Properties, LLC on behalf of Red Roof Inn, Clearwater. The petitioner is requesting a variance from Rule 2.2.5, ASME A17.1, which prohibits gases, vapors or liquids not connected with the operation of the elevator within the machinery spaces. (VW 2009-105)

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Lisa Gerard of the David Associates on behalf of Holiday Towers in Holiday, FL. The petition requests until March 1, 2010 to comply with Rule 2.7.4, ASME A17.3, 1996 edition, which requires restricted door opening outside of the landing zone. (VW 2009-106)

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.

NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Debra Spruell of C&S Condominium Management Services on behalf of Sunbow Bay Association in Holmes Beach, FL. The petition requests unspecified time to comply with ASME A17.3, 1996 edition requiring restricted door opening outside the landing zone and A17.1, 2005 edition requiring a car stop switch. (VW 2009-108)

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.

NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Debra Spruell of C&S Condominium Management Services on behalf of Sunbow Bay Association in Holmes Beach, FL. The petition requests unspecified time to comply with Rule 2.7.4, ASME A17.3, 1996 edition requiring restricted door opening outside the landing zone. (VW 2009-109)

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.

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, from New China Restaurant located in Miami. The above referenced F.A.C. addresses the requirement that customer bathrooms be of easy and convenient access. They are requesting to utilize a bathroom for customer use that has a travel distance over 300 feet.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 13, 2009, the Board of Accountancy, received a petition for Yamira Gonzalez, 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

The Board of Dentistry hereby gives notice that it has received a petition, filed on May 5, 2009, by Sergio R. Casiano, Jr., Esq. on behalf of Eduardo J. Rodriguez, seeking a variance or waiver of paragraph 64B5-2.0146(2)(a), F.A.C., with regard to the requirement that each applicant for a Florida dental license successfully completes a full-time, matriculated, resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

Comments on this petition should be filed with: 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.

The Board of Dentistry hereby gives notice that it has received a petition, filed on May 5, 2009, by Sergio R. Casiano, Jr., Esq. on behalf of Sharon T. Schmeiser, seeking a variance or waiver of paragraph 64B5-2.0146(2)(a), F.A.C., with regard to the requirement that each applicant for a Florida dental license successfully completes a full-time, matriculated, resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

Comments on this petition should be filed with: 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 April 6, 2009, the Board of Massage Therapy, received a petition for Sandra Mack, seeking a variance or waiver of paragraph 64B7-28.009(3)(a), F.A.C., which requires that effective September 1, 2001, at least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Board of Massage Therapy, received a petition for Calvin Roberts, Jr., on behalf of Beachside Massage Therapy, Inc., seeking a variance or waiver of paragraph 64B7-26.003(1)(c), F.A.C., which requires that central toilet facilities shall be within three hundred (300) feet of the massage establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06,

Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the Board of Massage Therapy, received a petition for Teresa Shaw, seeking a variance or waiver of paragraph 64B7-28.009(3)(a), F.A.C., which requires that effective September 1, 2001, at least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Board of Medicine received a petition filed on behalf of Louise Johnson Wunsch, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the passing score on the FLEX examination. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Cornerstone Adoption Services, Inc. assigned Case No. 09-016W. Subsection 65C-15.010(3), F.A.C., requires a licensed child-placing agency to annually obtain an audit of its financial records.

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.

NOTICE IS HEREBY GIVEN THAT on April 27, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Family Preservation Services and Addie Walker,

assigned Case No. 09-017W. Subsection 65C-15.017(2), F.A.C., requires agency staff responsible for case work services shall have a bachelor's or master's degree of 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.

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

### DEPARTMENT OF STATE

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

DATE AND TIME: Wednesday, June 3, 2009, 9:00 a.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2009 grant applications for Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Dorothy Frank, LSTA Coordinator at (850)245-6631 or TDD (850)922-4085.

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: Dorothy Frank at (850)245-6631 or TDD (850)922-4085. 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: Dorothy Frank at (850)245-6631 or TDD (850)922-4085.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 10:00 a.m. (EDT)

PLACE: Florida Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Silviculture Best Management Practices Technical Advisory Committee.