

(5) Within thirty (30) days after the close of the Application Period, the Review Committee shall deliver to the Office the completed Summary Ranking and Recommendation Form along with the original and one copy of each Application and its related Application Evaluation Form.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History--New 5-13-09.

27MER09-3 Certification Decision.

(1) Within ten (10) business days after receiving the Summary Ranking and Recommendation Form and supporting materials, the Office shall notify the Applicant or Applicants has/have been selected by the Review Committee as the Loan Administrator.

(2) The Office shall issue a letter to each Applicant selected as a Loan Administrator. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification shall be subject to review under Chapter 120 of the Florida Statutes.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History--New 5-13-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: May 13, 2009

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."

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on May 5, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a

maximum of 30 days before losing eligibility to receive services. The petition was filed by the Early Learning Coalition of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida 33605.

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 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on May 5, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of paragraph 60BB-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida 33605.

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 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 4, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Augustina's Taste of Chicago located in Naples. The above referenced F.A.C. addresses the requirement that an accessible bathroom must be provided for both customers and employees. They are requesting to share bathroom facilities with another nearby establishment within the same mall.

Notice of this petition was filed and published in Vol. 35, No. 17, May 1, 2009 of the Florida Administrative Weekly. The variance was approved on May 4, 2009, contingent upon the Petitioner ensuring the shared bathrooms located within Cheeburger Cheeburger are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Cheeburger Cheeburger changes, an updated signed agreement for use of the bathroom facilities is 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a petition for a Routine Variance for subsection 61C-4.010(5), Florida Administrative Code, and Paragraph 4-301.12(A), 2001 FDA Food Code from Café Express located in Miami Springs. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils. They were requesting to utilize the dishwashing facilities located in another establishment on another level under the same ownership.

Notice of this petition was filed and published in Vol. 35, No. 14, April 10, 2009 of the Florida Administrative Weekly. The variance was approved on April 14, 2009, contingent upon the Petitioner ensuring the three-compartment sink located within the El Mirador is maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. If the owner of the El Mirador changes, an updated signed agreement for use of the three-compartment sink is required immediately. 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Florida Department of Business and Professional Regulations, Division of Hotels and Restaurants has issued an order.

On March 11, 2009, the Department received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Coney Island Express located in Orange City. The above referenced F.A.C. addresses the service of open, bulk food from an open-air Mobile Food Dispensing Vehicle. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

Notice of this petition was filed and published in Vol. 35, No. 14, April 10, 2009 of the Florida Administrative Weekly. The variance was approved on April 9, 2009, 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 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; and steam table food is to be dispensed by the operator with no customer self-service; and the three-compartment sink is to be disabled and not utilized for dishwashing. The optional grill (if installed) may not be used to reheat food for hot holding. The Petitioner shall strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation. 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 6, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from Loven Pizza located in Dunedin. The above referenced F.A.C. addresses the requirement that public food service establishments must provide an accessible bathroom for their customers. They are requesting to share the bathroom located within an adjacent public food service located within 300 feet within the same strip mall.

Notice of this petition was filed and published in Vol. 35, No. 18, May 8, 2009 of the Florida Administrative Weekly. The variance was approved on May 6, 2009, contingent upon the Petitioner ensuring the shared bathrooms located within El Paso Mexican Restaurant are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of El Paso Mexican Restaurant changes, an updated signed agreement for use of the bathroom facilities is 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a petition for an Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from Catering by Maggie located in Sarasota. The above referenced F.A.C. addresses the requirement that an establishment must provide accessible customer bathrooms within 300 feet. They are requesting to share bathroom facilities with an adjacent business located within the same mall.

Notice of this petition was filed and published in Vol. 35, No. 17, May 1, 2009 of the Florida Administrative Weekly. The variance was approved on April 27, 2009, contingent upon the Petitioner ensuring the bathrooms located within Sarasota Trophy & Awards are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Sarasota Trophy & Awards changes, an updated signed agreement for use of the bathroom facilities is required immediately. 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a Petition for an EMERGENCY Variance for Section 509.221(1)(b), Florida Statutes; paragraph 61C-1.004(2)(a) and subsections 61C-4.010(6), 61C-4.010(7), Florida Administrative Code; and Section 6-402.11, 2001 FDA Food Code, from The Pup Tent located in Lauderhill. The above referenced F.A.C. addresses the need for the establishment to provide a bathroom for use by customers and employees installed with a hand wash sink provided with hot and cold running water. They are requesting to share a properly equipped bathroom located within a nearby establishment.

Notice of this petition was filed and published in Vol. 35, No. 14, April 10, 2009 of the Florida Administrative Weekly. The variance was approved on April 14, 2009, contingent upon the Petitioner ensuring the bathrooms located within Subway #728 are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Subway #728 changes, an updated signed agreement for use of the bathroom facilities is 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Bureau of Beaches and Coastal Systems, received a petition for permanent variance or waiver, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from paragraph 62B-33.007(4)(1), F.A.C., which provides the condition that pipelines or ocean outfalls are to be constructed below grade across the beach and littoral zone. The petition was received from Thomas Tomasello, P.A., on behalf of the City of Vero Beach, regarding IR-813 M2. The property is located at 3000 Ocean Drive., Humiston Park, in Indian River County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing: Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 28, 2009, the Board of Chiropractic Medicine, received a petition for Dr. Bruce Kesten, 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, including at least three (3) hours in risk management, six (6) hours in record keeping/documentation and coding; and two (2) hours in the area of ethics and boundaries.

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 March 25, 2009, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Jerrold R. Cade, Ph.D., seeking a variance or waiver of paragraph 64B4-3.003(3)(b), F.A.C., which requires that the examination for licensure as a mental health counselor is The National Clinical Mental Health Counseling Examination (NCMHCE).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 28, 2009, the Board of Medicine, received a petition for waiver or variance filed by Rosa Marie Singleton, from Rule 64B8-30.003, 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.

The Department of Health gives notice that the Children's Home Society of Florida – Transitions Home, located at 1199 W. Lantana Road, #11, Lantana, Florida 33462 has withdrawn their Petition for Waiver, which was published in the February 20, 2009, F.A.W., Vol. 35, No. 7 and filed by Stephen Bardy.

The petitioner sought a permanent variance from sections of Chapters 64E-11 and 64E-12, Florida Administrative Code, which prescribe the minimum requirements and standards for food hygiene, sanitation, and safety at community based residential facilities.

For information regarding this action, contact: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on April 27, 2009, the Florida Fish and Wildlife Conservation Commission, received a petition for a temporary (three year) variance from the portion of the Collier County manatee protection rule (Rule 68C-22.023, Florida Administrative Code) that establishes boat speed zones in Goodland Bay. The petition was submitted by Jerome Brownlee, D/B/A American Airboat Tours, and seeks authorization for American Airboat Tours to operate up to two airboats at speeds greater than "Idle Speed but less than 20 MPH" in Goodland Bay while conducting tours. As requested, the variance would not apply on weekends or holidays. Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, FL 32399-1600.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on May 11, 2009, the Department of Financial Services, Division of Workers' Compensation, has issued an order.

The Order is regarding the receipt of a amended petition for variance or waiver, filed on February 17, 2009, which stated that Cotton States Mutual Insurance Company was seeking a waiver from the requirements of Rule Chapter 69L-56, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published on Vol. 35, No. 8, of the February 27, 2009 edition of Florida Administrative Weekly. The Petitioner sought a waiver or variance from Rule 69L-56.300, Florida Administrative Code, which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. The Department's Order granted the amended petition, subject to certain conditions stated therein.

A copy of the Order may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600.

NOTICE IS HEREBY GIVEN THAT on May 11, 2009, the Department of Financial Services, Division of Workers' Compensation, has issued an order.

The Order is regarding the receipt of a amended petition for variance or waiver, filed on February 16, 2009, which stated that GMAC Insurance Company was seeking a waiver from the requirements of Rule Chapter 69L-56, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published on Vol. 35, No. 8, of the February 27, 2009 edition of Florida Administrative Weekly. The Petitioner sought a waiver or variance from Rule 69L-56.300, Florida Administrative Code, which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. The Department's Order granted the amended petition, subject to certain conditions stated therein.

A copy of the Order may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: June 9, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as

depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

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

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

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

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

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

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,