

Accordingly, it is necessary that this emergency rule be implemented immediately, without the delay attendant with the regular rulemaking process. The Agency will immediately begin the regular rulemaking process for adopting this rule under Chapter 60BB-4, F.A.C.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The eligibility determination process provides the most efficient means of providing school readiness program services to individuals entitled to them under the emergency rule. All procedural remedies available to recipients of school readiness program services will be available to recipients of benefits under the emergency rule under state and federal law. Thus, recipients of school readiness services under this category of eligibility will receive all the due process protections that other recipients receive.

**SUMMARY:** All procedural remedies available to recipients of school readiness program services will be available to recipients of benefits under the emergency rule under state and federal law. Thus, recipients of school readiness services under this category of eligibility will receive all the due process protections that other recipients receive.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Caldwell Building MSC 110, 107 S. Madison Street, Tallahassee, Florida 32399-4120

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

60BBER09-2 Eligibility for Children in Families Receiving Unemployment Compensation.

(1) School readiness services provided under this section shall be funded using American Recovery and Reinvestment Act (ARRA) funds received by early learning coalitions.

(2) Initial eligibility. Families currently receiving Florida unemployment compensation (UC) benefits shall be determined eligible for an initial period of thirty (30) days under this eligibility category if family income, as defined in rule, is at or below 150 percent of the federal poverty level. A child shall be eligible for a maximum of six cumulative months of services under this eligibility category. If a child is eligible to receive school readiness services under any other eligibility category, the coalition shall offer the child services under the alternative eligibility category.

(3) Determining eligibility. To determine a child's eligibility to receive services under this eligibility category, the child's parent must present a copy of his or her notice of monetary eligibility issued by the Agency for Workforce Innovation in accordance with subsection 60BB-3.016(3), F.A.C., and a current bank statement, warrant, or check demonstrating receipt of UC benefits.

(4) Maintaining eligibility.

(a) Proof of benefits.

1. In order to maintain eligibility beyond an initial thirty (30) day period, the child's parent or guardian must submit proof of receipt of UC benefits within the previous thirty (30) days. A copy of the parent's or guardian's bank statement, or a warrant or check demonstrating receipt of UC benefits constitutes proof of receipt of benefits.

2. Alternatively, a child's parent or guardian may submit proof that he or she has submitted written notice of an appeal related to UC benefits pursuant to Rule 60BB-5.003, F.A.C. After submission of proof of written notice of an appeal, the child shall maintain eligibility for an additional thirty (30) days beyond the initial period of eligibility. To maintain eligibility beyond the additional thirty (30) days, the child's parent or guardian must submit proof of receipt of benefits, proof of a pending appeal, or proof of a determination in the parent's favor within the additional thirty (30) day period.

3. If a parent or guardian fails to submit proof of UC benefits or written notice of an appeal, the coalition shall terminate the child's eligibility under this eligibility category.

(b) A parent or guardian must notify the coalition, or its designee, of any change in employment, income, family size, or UC benefit status within ten (10) calendar days.

(5) Records Confidentiality. If applicable, the coalition shall comply with the confidentiality provisions of 20 CFR Part 603, sections 443.1715 and 443.171, F.S., and other sections of state and federal law which are related to UC records received pursuant to this rule.

Rulemaking Authority 411.01(4)(e), 443.1317(1)(b) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 5-15-09.

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 15, 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**

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Brian Gordon and the Riviera Beach Police Department requested a waiver of paragraph 11B-27.002(3)(a), Florida Administrative Code, which requires which requires a criminal justice agency to send in completed information regarding officers to the Commission staff within the timeframe set by rule. Mr. Gordon's training information had not been updated in ATMS for some time. Upon discovery of the oversight, the agency was informed to submit a copy of Mr. Gordon's background investigation with the other paperwork. The agency discovered that a copy of Mr. Gordon's background investigation was no longer available. Commission staff received the petition on April 9, 2009. Notice of the receipt of the petition was published in the Florida Administrative Weekly Vol. 35, No. 16, April 24, 2009. The Commission voted to grant the requested rule waiver at its regularly scheduled and noticed meeting held May 14, 2009, in Tampa, Florida.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Kathy Merus petitioned the Criminal Justice Standards and Training Commission for a waiver of paragraph 11B-35.0024(2)(a), Florida Administrative Code, which permits basic recruit training students in criminal justice programs to retake either one cognitive or one skills test during their basic recruit training. Ms. Merus was permitted to retake both a cognitive and a skills examination by her training school. This was not discovered by the school until after Ms. Merus had passed the State Officer Certification Examination and had become employed as a law enforcement officer. Commission staff received the petition on March 25, 2009. Notice of the receipt of the petition was published in the Florida Administrative Weekly Vol. 35, No. 14, on April 10, 2009. The Commission voted to grant the petition at its regularly scheduled and noticed meeting held May 14, 2009, in Tampa, Florida.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

William Wall, Director of the Sarasota Criminal Justice Academy, petitioned the Criminal Justice Standards and Training Commission for a waiver of paragraph 11B-21.005(8)(a), Florida Administrative Code. The petition

was received by Commission staff on March 16, 2009. Notice of the petition was published in Vol. 35, No. 12, Florida Administrative Weekly, on March 27, 2009. Director Wall petitioned for a waiver of that portion of paragraph 11B-21.005(8)(a), Florida Administrative Code, that requires certified criminal justice training schools to maintain a full-time director employed on a 12-month calendar. Director Wall's training school has been reduced to an eleven-month academic and pay calendar as a result of budget cuts for workforce education funding through the parent organization, the Sarasota County Technical Institute. The Commission granted the waiver at its regularly scheduled and noticed May 14, 2009, meeting which was held in Tampa, Florida.

A copy of the Order 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.

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#### **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."

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-120-DAO-ROW was issued to Steven V. Batic (Application No. 09-0220-2). The petition for waiver was received by the SFWMD on March 25, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 14, on April 10, 2009. No public comment was received. This Order provides a waiver of the District's criteria for the proposed placement of 13 palm trees within the north right of way of the C-13 Canal located at the rear of 9830 N. W. 31st Place (Lot 411, Welleby Unit Eight); Section 19, Township 49 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2)

the Order granting a waiver from the subject rule would prevent Steven V. Batic from a violation of the principles of fairness.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by email: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-121-DAO-ROW was issued to the Town of Davie (Application No. 08-1229-5). The petition for waiver was received by the SFWMD on March 6, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 12, on March 27, 2009. No public comment was received. This Order provides a waiver of the District's criteria for the addition of three (3) equestrian bridges, handrails, bollards, and signs all within the C-11 south right of way adjacent to 66th way, 70th Terrace and 73rd Terrace; Section 27, Township 50 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Town of Davie from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by email: kruff@sfwmd.gov.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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 on March 23, 2009, for an EMERGENCY Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Adventure Landing Dippin Dots located in Jacksonville. The above referenced F.A.C. addresses the requirement that a mobile food dispensing

vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

Notice of this petition was filed and published in Vol. 35, No. 13 on April 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 14, 2009, contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Adventure Landing Theme Park. 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.

NOTICE IS HEREBY GIVEN that on March 23, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for an EMERGENCY Variance for Paragraph 4-301.12(A), and Section 5-203.13, 2001 FDA Food Codes; subsections 61C-1.004(1) and 61C-4.010(5), F.A.C., from Adventure Landing Melt Away Bay located in Jacksonville. The above referenced F.A.C. addresses the requirement for the establishment to provide a three-compartment sink and mop sink at the establishment. They are requesting to share a three-compartment sink and mop sink with another establishment located within the same theme park/entertainment complex under the same ownership.

Notice of this petition was filed and published in Vol. 35, No. 14 on 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 and mop sink located within Adventure Landing Main Amusement are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of Adventure Landing Main Amusement change, an updated signed agreement for use of the three-compartment sink and mop 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.

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NOTICE IS HEREBY GIVEN THAT on May 18, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance request from subsection 61C-4.010(5), F.A.C. Paragraph 4-301.12(A), 2001 FDA Food Code from The Beer Garden located in Jacksonville. The above referenced F.A.C. addresses the requirement that each establishment provide facilities to properly wash, rinse, and sanitize equipment and utensils. Specifically, the Petitioner requests to share the three-compartment sink located within a nearby licensed establishment under the same ownership and within the same flea market.

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, FL 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, 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), F.A.C., from Betancur Catering located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on April 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance Request on March 30, 2009, from Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(7) and 61C-4.010(6), F.A.C., and Section 6-402.11, 2001 FDA Food Code for the Gourmet Hut located in St. Augustine. The above referenced F.A.C. addresses the requirement for establishments to provide an accessible bathroom for customers and employees. They were requesting to utilize public bathrooms located within 300 feet for customers and sharing separate employee bathroom facilities with adjacent businesses.

Notice of this petition was filed and published in Vol. 35, No. 13 on April 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 15, 2009, contingent upon the Petitioner ensuring the bathrooms used by employees located within the shared storage and bathroom building and public bathrooms located within 300 feet used by customers are maintained in a clean and sanitary manner and are provided with cold running water under pressure in the public bathroom and both hot and cold running water under pressure in the employee bathroom, 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 customer bathrooms. If the sharing agreement for the bathroom and storage building changes, an updated signed agreement for use of the employee 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.

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NOTICE IS HEREBY GIVEN THAT on May 15, 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(6) and 61C-4.010(7), F.A.C., from Panchitos Inn located in Tampa. The above referenced F.A.C. addresses the requirement that an accessible bathroom be provided for use by customers. They are requesting to share a bathroom within an adjacent business located in the same strip mall.

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.

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NOTICE IS HEREBY GIVEN THAT on April 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received on March 16, 2009, a Petition for an EMERGENCY Variance for subsections 61C-4.010(6) and 61C-4.010(7), F.A.C., and Section 6-402.11, 2001 FDA Food Code from Pannina Pizza Bakery located in Hollywood. The above referenced F.A.C. addresses the requirement that toilet rooms shall be conveniently located and accessible to customers during all hours of operation. They were requesting a variance to share an adjacent establishment's bathroom facilities for the public.

Notice of this petition was filed and published in Vol. 35, No. 13 on April, 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 15, 2009, contingent upon the Petitioner ensuring the bathrooms used by employees located within the shared storage and bathroom building and public bathrooms located within 300 feet used by customers are maintained in a clean and sanitary manner and are provided with cold running water under pressure in the public bathroom and both hot and cold running water under pressure in the employee bathroom, 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 customer bathrooms. If the sharing agreement for the bathroom and storage building changes, an updated signed agreement for use of the employee 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 May 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, 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), F.A.C., from Las Brasas located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 15, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, 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), F.A.C., from Ofelia Food Service located in Ft. Myers. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They

are requesting 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, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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#### 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 May 1, 2009, the Department of Environmental Protection, received a petition for a petition for a variance from the requirement that a construction permit be obtained and construction commenced within two years of the issuance of a Conceptual Environmental Resource Permit. The petition requested a variance from Rule 62-343.100, Florida Administrative Code (F.A.C.) pursuant to Section 120.542, Florida Statutes (F.S.). The petition has been assigned File No.: 53-02040522-005, OGC File # 09-0895.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Environmental Resource Management, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926, Attn.: Allyson Minick, (813)632-7600, ext. 430. Written comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 20, 2008, the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, received a petition for variance or waiver from Donald R. Combs, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C. The petition requests a permanent waiver or variance from subsections 62B-33.002(18), (43), and (63) and subparagraphs 62B-33.0051(1)(a)1., 2., and 3., F.A.C., which provide the conditions where coastal armoring may be authorized. The petition has been assigned File number SJ-1034 AR V and OGC No. 08-2790. The property is located at 3870 Coastal Highway, Vilano Beach, St. Augustine, Florida 32084.

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](mailto:rosaline.beckham@dep.state.fl.us). Any comments should be filed in writing at Department of Environmental Protection, 3900 Commonwealth Blvd., MS 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

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## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Board of Pharmacy, received a petition for Todd Zisek, R.Ph., on behalf of Omnicare of Tampa. Petitioner is seeking a variance or waiver of subsection 64B16-27.1001(3), F.A.C., which requires that only a pharmacist may make the final check of the completed prescription thereby assuming the complete responsibility for its preparation and accuracy.

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 May 6, 2009, the Department of Health, received an amended petition for Variance from ONCORE TECHNOLOGY, LLC. The original Petition for Variance published on May 1, 2009, in Vol. 35, No. 17, Florida Administrative Weekly, sought a variance from the requirements of paragraph 64E-16.007(4)(g), F.A.C., which requires processing the test load containing the test organism, *Bacillus subtilis*, without the agent used to kill the test organisms. In the amended petition, the Petitioner also seeks a variance from the requirements of subparagraph 64E-16.007(4)(c)2., F.A.C., which prescribes a minimum Log 6 kill against *Bacillus stearothermophilus* spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis* spores utilizing dry heat, chemicals, or microwave shredding. Comments Variance from ONCORE TECHNOLOGY, LLC. The original Petition for Variance published on May 1, 2009, in Vol. 35, No. 17, Florida Administrative Weekly, sought a variance from the requirements of paragraph 64E-16.007(4)(g), F.A.C., which requires processing the test load containing the test organism, *Bacillus subtilis*, without the agent used to kill the test organisms. In the amended petition, the Petitioner also seeks a variance from the requirements of subparagraph 64E-16.007(4)(c)2., F.A.C., which prescribes a minimum Log 6 kill against *Bacillus stearothermophilus* spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis* spores utilizing dry heat, chemicals, or microwave shredding. on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710, (850)245-4277, extension 4273.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** and the Florida Arts Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, June 4, 2009, 9:00 a.m. – conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions or if you would like call-in instructions, please call (850)245-6490.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490 or by email: rbashmore@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 48 hours before the workshop/meeting by contacting: Morgan Lewis at (850)245-6356 or by email: mblewis@dos.state.fl.us. 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: Rachelle Ashmore at rbashmore@dos.state.fl.us.

#### DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend.

Committee on Improving Criminal Justice and Gangs

DATE AND TIME: June 8, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 8733623109

Legislative Review Committee

DATE AND TIME: June 9, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 8733623109