

25) 690-137.002(20) was added which reads:

“Standards Incorporated by Reference.

(a) The following standards are hereby incorporated by reference:

1. AU Section 319 of the Professional Standards of the AICPA, Consideration of Internal Control in a Financial Statement Audit.

2. AU Section 120 of the Professional Standards of the AICPA, Defining Professional Requirements in Statements on Auditing Standards.

3. Volume 1, Section AU 561 of the Professional Standards of the AICPA.

4. AU Section 325 of the Professional Standards of the AICPA, Communicating Internal Control Related Matters Identified in an Audit.

5. AU Section 380 of the Professional Standards of the AICPA, Communication with Audit Committees.

(b) The standards incorporated in this section are available at the American Institute of CPAs (AICPA) website at: <http://www.aicpa.org/Publications>”.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on June 29, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-20.0014(3)(d), F.A.C., by Brevard Community College on behalf of breath test instructor, Robert Wagner. The rule requires specialized topics instructors to meet certain criteria prior to teaching courses in their specialized topic area, in this

case, alcohol breath tests. Petitioner asserts that its instructor completed all aspects of certification as a specialized topics instructor and submitted paperwork to the College’s Program Specialist for Breath Test Operator certification. That specialist left the College without submitting the paperwork to the CJSTC for processing. Petitioner believed that his certification as a breath test instructor had been granted and taught five separate breath test operator courses for the College from June 8, 2009 to February 1, 2010. The Petitioner and the College argue that the failure to comply with all administrative requirements of the rule did not jeopardize the delivery of instruction by Petitioner. Petitioner requests a permanent waiver of paragraphs 11B-20.001(3)(d) and 11B-20.0016(1)(a)-(c), F.A.C., and that his certification as a breath test instructor be recognized as dating from June 1, 2009.

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, Florida 32302-1489 or by telephoning (850)410-7687.

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 July 1, 2010, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County Parks and Recreation Department for a Modification of Permit No. 7333, Right of Way Application No.: 10-0106-1M, for utilization of Works or Lands of the District known as the C-1 and C-1W Canals for a new shared-use trail, improvements (widening and resurfacing) to an existing trail, landscaping, shelters, signage, parking area improvements, fencing, bollards, vehicular gates and guardrail within the C-1 and C-1W Canal rights of way located as follows: Phase I “S. W. 97th Avenue to east of Water Control Structure S-21 at S. W. 244th Street, Phase II” “S. W. 137th Avenue to S. W. 127th Avenue, Phase III” “S. W. 127th Avenue to S. W. 97th Avenue, Sections (multiple), Township 56 South, Range 39 and 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which prohibits the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and/or within designated

equipment staging areas within Works or Lands of the District and also prohibits parking and vehicular use within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@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 1414, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code, subsection 61C-4.010(5), F.A.C., from Fitness San Jose Country Club Snack Bar, Jacksonville, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for washing, rinsing and sanitizing are provided within each public food service establishment. They are requesting to utilize dishwashing facilities located within another licensed facility under the same ownership.

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

NOTICE IS HEREBY GIVEN THAT on June 28, 2010, 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 on June 23, 2010 for subsection 61C-1.004(1), Florida Administrative Code, and Section 5-203.13, 2001 FDA Food Code from Vivo Yogurt Bar, Tampa, FL. The above referenced F.A.C. addresses the requirements the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to utilize a mop sink located within an adjacent food service establishment.

The initial Petition will publish in Vol. 36, No. 27 on 7/9/10 and approval was contingent upon the Petitioner must ensure the mop sink located within Urban Cantina is maintained in a clean and sanitary manner and is provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of Urban Cantina change, an updated signed agreement for use of the mop sink is required immediately.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@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 June 29, 2010, the Florida Department of Environmental Protection has issued an order.

On April 20, 2010, Miami-Dade County applied for a variance from the provisions of paragraph 62-701.630(6)(d), F.A.C., which requires submittal of certain financial information related to landfill closure within 180 days after the close of each fiscal year. Petitioner alleged that requiring compliance would create a substantial hardship. Notice was published in the F.A.W. on May 7, 2010. The Order Granting Variance allows the petitioner to submit updated financial information in support of its financial test with 364 days of the close of each fiscal year.

A copy of the Order may be obtained by contacting: Richard Tender, Department of Environmental Protection, Solid Waste Section, MS #4565, 2400 Blair Stone Road, Tallahassee, FL 32399, (850)245-8735, email: richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 28, 2010, the Bureau of Beaches and Coastal Systems has issued an order.

This Order (ST-1727 GT V) grants a variance pursuant to Section 120.542, F.S., to Walter and Marilyn Kreiseder, Brian and Pamela Sullivan, Fritz and Ping Faulhaber, and William Crouse, regarding ST-1727 GT, an application to use geotextile containers as the core of a reconstructed dune. A petition for variance was received on 3/5/10. Notice of receipt of petition requesting variance was published in the F.A.W. Vol. 36, No. 12, 3/26/10. No public comment was received. This Order grants a variance from subsections 62B-56.900(13) and (14), F.A.C., Letter of Credit and Standby Trust Agreement respectively. The referenced forms are required by the Department to be used for providing proof of financial assurance pursuant to Rule 62B-56.090, F.A.C. The petition was approved because the petitioner was able to demonstrate that strict adherence would create a substantial economic hardship and that the rule and underlying statute will be or has been achieved by other means. The properties are located on Casey Key in Nokomis, Sarasota Co., at 2209, 2207, 2305, 2309 and 2315 Casey Key Rd.

A copy of the Order may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: rosaline.beckham@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 29, 2010, the Bureau of Beaches and Coastal Systems, received a petition for a waiver, pursuant to Section 120.542, Florida Statutes, and Rule 28-104, F.A.C., from Rule 62B-33.024, F.A.C., which provides the Thirty-Year Erosion Projection Procedures. The petition was received from Coastal Planning and Engineering, Inc., on behalf of MB Redevelopment Inc. (Loews Hotel), regarding DA-590. The property is located at 1601 Collins Ave., Miami Beach, Dade County, FL.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with: The Department at 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 July 2, 2010, the Board of Clinical Laboratory Personnel, received a petition for Michelle H. Forman. Petitioner is seeking a variance or waiver of paragraph 64B3-5.002(1)(b), Option 4, Florida Administrative Code, which requires for a specialty in Cytology that the applicant have an Associate's degree.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Teresa Hoye Doolittle, on May 20, 2010, has been withdrawn, upon request of the Petitioner. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, issue of the F.A.W.

The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on July 7, 2010, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.010(8), F.A.C., from Spring Lake Cove, L.L.L.P. The petition is seeking a waiver of that portion of subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment

Incentive Loan ("SAIL") Programs loans to be deferred to the extent "Development Cash flow" as defined under subsection 67-48.002(30), F.A.C., is insufficient and as such, require that the annual interest payment of the SAIL loan to be "hard pay" without such payment of interest being contingent on available Development Cash Flow.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on April 2, 2010, the Department of Financial Services, Division of State Fire Marshal, has issued an order.

An Order Denying Petition for Permanent Waiver is in response to a petition filed by Milestone Group, Inc., received by the Department of Financial Services on December 16, 2009, and deemed complete at Milestone's request on January 21, 2010. The basis for denying the petition is that it does not meet the statutory conditions for waiver in Section 120.542, Florida Statutes, which requires that the status quo meet the level of fire protection intended by the underlying statute, and that the application of the Department's rule would either create a substantial hardship on the Petitioner, or would affect Petitioner in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

A copy of the Order may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.
