

that some participating insurers may have very large amounts of outstanding losses and incurred but not reported losses, as a result of claims that were filed or reopened many years after the hurricanes covered by the 2005 Reimbursement Contract. The size of these losses raises the possibility that the process for finalizing losses may understate their value, resulting in disruption of the property insurance market in Florida, or may overstate their value, resulting in the need for additional bonding on behalf of the FHCF. Both of these potential outcomes endanger the public welfare. The FHCF has determined that alternative methods of finalizing these losses may significantly reduce the likelihood of either overpayment or underpayment, and will therefore protect the public welfare. REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule is a benefit for the public at large, participating insurers, and the FHCF. There is no benefit to any of these parties to have payments to insurers by the FHCF be inadequate or excessive. Further, this emergency rule is posted to the State Board of Administration's website.

SUMMARY: This emergency rule provides authority for participating insurers and the SBA or the FHCF to apply flexibility to the timing requirements for settling the 2005 claims and losses.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida, Tallahassee, Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER11-1 Extraordinary Circumstances for Alternative Method of Finalizing 2005 Losses.

(1) Section 215.555(3), F.S., provides that in situations of an unusual nature, Florida Hurricane Catastrophe Fund rules may be applied with reasonable flexibility if such flexibility is in accord with sound insurance practices and is not contrary to the public purpose of the Florida Hurricane Catastrophe Fund.

(2) Applying such statutorily-authorized flexibility, this rule specifies circumstances under which an alternative method of finalizing an insurer's losses may be used notwithstanding the commutation process as described in paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract, which was adopted as Rule 19-8.010, F.A.C.

(3) Upon the request of a participating insurer that is a party to the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract, the State Board of Administration of Florida ("SBA") and the participating insurer may agree to an alternative method of finalizing the participating insurer's losses notwithstanding the commutation process as described in paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract. The request must be made no later than May 31, 2011.

(4) A participating insurer is eligible to make the request described in subsection (3) if:

(a)1. The "Estimated Recoverable from the FHCF on Incurred Basis" (Section II, Incurred Basis, G. on Form FHCF-L1B, Proof of Loss Report) is more than 200 percent of the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report), or the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report) is zero; and

2. The difference between The "Estimated Recoverable from the FHCF on Incurred Basis" (Section II, Incurred Basis, G. on Form FHCF-L1B, Proof of Loss Report) and the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report) exceeds \$50 million; or

(b) The participating insurer is in receivership, in which case the request may be made on behalf of the participating insurer by either the receiver or the Florida Insurance Guaranty Association.

(5) If the participating insurer and the SBA do not reach agreement on the alternative method of finalizing the participating insurer's losses within 60 calendar days after the date of the request, the provisions of paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract apply.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555, FS. History--New 5-17-11.

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 17, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (District) hereby gives notice:

On May 13, 2011, the District granted a variance under Section 120.542, Florida Statutes (SJRWMD F.O.R. No. 2011-08), to The Harrod Group, Inc., (Petitioner) regarding a project known as the "River Isle" subdivision. The Petition for Variance was filed with the District on January 21, 2011. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly (FAW), Vol. 37, No. 7, on February 18, 2011. No public comment was received. Petitioner provided three subsequent extensions of time in which the District had to act on the petition. The District's order provides the Petitioner with a variance from paragraph 40C-41.063(5)(c), Florida Administrative Code and Section 11.4.3 of the District's Applicant's Handbook: Management

and Storage of Surface Waters (December 27, 2010) (together, the Econlockhatchee River Hydrologic Basin Riparian Wildlife Habitat Standard) (the rule). The rule requires a permit applicant to provide reasonable assurance that its proposed activities within those areas designated as the riparian habitat protection zone (RHPZ) will not adversely affect the abundance, diversity, food sources, or habitat of aquatic or wetland dependent species provided by the RHPZ. The rule allows an applicant to meet this standard by demonstrating that its plan of development, including a mitigation plan, will offset any such adverse impacts.

Generally, the District's Final Order Granting Variance sets forth the basis of the District's decision to grant the variance as follows: Petitioner has demonstrated that: (1) in granting the variance from the rule, the purpose of the underlying statute will still be achieved, consistent with Chapter 373, Florida Statutes, as the project site has diminished ecological value to aquatic and wetland dependent species due to activities that previously had occurred on the site, and the Petitioner is providing a reasonable degree of protection to aquatic and wetland dependent species in the vicinity of the project site by granting a conservation easement to the District over the area bordering the Little Econlockhatchee River adjacent to and along the entire length of the project site; (2) application of the rule to the Petitioner's proposed project would cause a substantial economic hardship on the Petitioner; and (3) requiring Petitioner to comply with the rule would violate principles of fairness based on the permitting history of the site.

Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., the petition must be filed (received) either by delivery at the Office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com within twenty-one (21) days of publication of this FAW notice. A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4. below. Mediation pursuant to Section 120.573, Florida Statutes, is not available.

2. A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.

3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).

6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.

7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District, and is filed by the District Clerk.

9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

A copy of the Order or additional information may be obtained by contacting: Kris Davis, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529 or by telephone at (386)329-4390.

The South Florida Water Management District ("District") hereby gives notice:

On May 12, 2011, the District's Governing Board issued SFWMD Order No. 2011-068-DAO-ROW to Florida Department of Transportation (Application No. 11-0307-2). The petition for waiver was received by the District on March 7, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 13, on April 1, 2011. Notice of receipt of an amended petition was published in the Florida Administrative Weekly, Vol. 37, No., 15, on April 15, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for the installation a safety railing, landscaping, and buried electrical with light poles within the south right of way of C-2 Canal located between SW 70th Ave. and US-1; Section 35, Township 54 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, 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), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within 40' of the top of the canal bank and within designated 100' long equipment staging areas 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 use 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 Petitioner from a suffering a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone: (561)682-6268, or by email at: jurussel@sfwmd.gov.

The South Florida Water Management District hereby gives notice:

On May 1, 2011, (District) Governing Board issued SFWMD Order No. 2011-069-DAO-ROW to Kenneth & Patricia Wilborn (Application No. 11-0126-1). The petition for waiver was received by the District on March 25, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 14, on April 8, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for the proposed

installation of removable cross-fences within the north right of way of the Goden Gate Main Canal at the rear of 3247 German Woods Court, Naples; Section 29, Township 47 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, 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), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments 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 is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone: (561)682-6268 or by email at: jurussel@sfwmd.gov.

The South Florida Water Management District ("District") hereby gives notice:

On May 12, 2001, the District's Governing Board issued SFWMD Order No. 2011-070-DAO-ROW to John & Michele Newberry (Application No. 11-0201-1). The petition for waiver was received by the District on March 18, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 13, on April 1, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for the installation of a fence enclosure with 2-10' wide vehicular access gates encroaching 10' within the south right of way of the Green Canal at the rear of 6221 Cedar Tree Lane; Section 20, Township 49 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, 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), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within 40' 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 use 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 Petitioner from suffering a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone: (561)682-6268 or by email at: jurussel@sfwmd.gov.

The South Florida Water Management District ("District") hereby gives notice:

On May 12, 2011, the District's Governing Board issued SFWMD Order No. 2011-071-DAO-ROW to J. Michael Crooks (Application No. 11-0314-1). The petition for waiver was received by the District on March 14, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 12, on March 25, 2011. No public comment was received. This Order grants a waiver Rule 40E-6.601, Fla. Admin. Code, which governs the payment of Application Processing Fees associated with the issuance of Right of Way Occupancy Permits 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 existed prior to the District's adoption of the Deer Fence Canal as a work of the District; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone: (561)682-6268 or by email at: jurussel@sfwmd.gov.

The South Florida Water Management District ("District") hereby gives notice:

On May 12, 2011, the District's Governing Board issued SFWMD Order No. 2011-072-DAO-ROW to Southern Garden Groves Corp. (Application No. 11-0328-1). The petition for waiver was received by the District on March 28, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 15, on April 15, 2011. No public comment was received. This Order grants a waiver Rule 40E-6.601, Fla. Admin. Code, which governs the payment of Application Processing Fees associated with the issuance of Right of Way Occupancy Permits 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 existed prior to the District's adoption of the Deer Fence Canal as a work of the District; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone: (561)682-6268 or by email at: jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on April 14, 2011 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, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Maria Martinez Mobile Unit located in Quincy. 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.

The Petition was published in Vol. 37, No. 17 on April 29, 2011. The Order for this Petition was signed on May 5, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by 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 is 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 and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also 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.

A copy of the Order or additional information 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 May 13, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida

Administrative Code from BLT Grill Inc. located in West Palm Beach. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within another establishment for use by customers only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on April 5, 2011 the Department received a Petition for a Routine 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, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Jared's Mobile Catering located in Tampa. 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.

The Petition was published in Vol. 37, No. 16 on April 22, 2011. The Order for this Petition was signed on May 9, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by 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 is 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 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. The Petitioner shall also 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.

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on April 18, 2011 the Department received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from The White Room Bar & Lounge located in Land O'Lakes. The above referenced F.A.C. addresses the requirements that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at sushi bar and dishmachine area handwash sinks.

The Petition was published in Vol. 37, No. 18 on May 6, 2011. The Order for this Petition was signed on May 13, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash sinks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on April 6, 2011 the Department received a Petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code and Section 6-201.18, 2001 FDA Food Code from Levans Catering located in Winter Springs. The above referenced F.A.C. addresses the requirement that studs, joists and rafters may not be exposed in areas subject to moisture. They are requesting to have exposed rafters throughout the food service establishment in areas of moisture.

The Petition was published in Vol. 37, No. 16 on April 22, 2011. The Order for this Petition was signed on May 9, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the

burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that a routine cleaning regimen is maintained to preclude the accumulation of dust, dirt or other debris on the ceiling that could cross contaminate food or food-contact surfaces. The Petitioner shall notify the Division immediately if the ownership or operation of this establishment changes.

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

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Fifth Third Bank, filed February 1, 2011, and advertised in Vol. 37, No. 6 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-037).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Tampa Racquet Club Condo, filed December 9, 2010, and advertised in Vol. 36, No. 51 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting (VW 2010-717).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Strathmore Garden Apts., filed November 18, 2010, and advertised in Vol. 36, No. 48 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting and has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-692).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Nine Fifty Broadway, filed October 8, 2010, and advertised in Vol. 36, No. 44 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting (VW 2010-646).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Park Plaza Apts. II, filed December 15, 2010, and advertised in Vol. 36, No. 51 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting (VW 2010-722).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

CORRECTED NOTICE – the original advertisement listed March 3, 2011 as the order date.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Bay Plaza Condo, filed April 11, 2011, and advertised in Vol. 37, No. 16 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 2.27.3.3.7, ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires the elevator operating panel be positioned behind a locked panel because the Petitioner has not met its burden as this feature, required under the new rules, was not properly permitted and installed (VW 2011-110).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 13, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Ybor Business Center, filed March 21, 2011, and advertised in Vol 37, No 15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations until June 1, 2012 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-094).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 13, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Union 700, Inc., filed March 24, 2011, and advertised in Vol 37, No 15, of the Florida Administrative Weekly. No comments were received in response to the

petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires platform guards until December 1, 2011 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-095).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 13, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Embassy Suites Tampa/Westshore, filed March 28, 2011, and advertised in Vol 37, No 15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations until April 30, 2013 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-103).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 13, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Edison College Allied Health, filed March 28, 2011, and advertised in Vol 37, No 15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4 and 8.11.2.1.3(cc)1&3 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-101).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 17, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 280 Canton Building, filed April 26, 2011, and advertised in Vol. 37, No. 18, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.3.2, 3.10.4(q), 3.4.5(d) and 3.10.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires platform guards, normal terminal stopping devices, emergency lighting and car-top operating devices until April 15, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-128).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 17, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 280 Canton Building, filed April 26, 2011, and advertised in Vol. 37, No. 18, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-129).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 17, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Royal Richey Condos, filed April 20, 2011, and advertised in Vol. 37, No. 18, of the Florida

Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations until October 31, 2011 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-125).

A copy of the Order 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 May 10, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Professional Office Building. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-157, VW 2011-158, VW 2011-159, VW 2011-160, VW 2011-161, VW 2011-162, and VW 2011-163).

A copy of the Petition 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 May 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Park Center. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-164).

A copy of the Petition 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 May 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Maitland Forum. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-165).

A copy of the Petition 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 May 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Florida A&M University. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4, 3.3.2, 3.4.5(d), 3.10.4(u) and 3.11.1(a)(2) and of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations, restricted door openings, platform guards, emergency lighting, two-way communication, a keyed stop switch and safety bulkhead which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-166).

A copy of the Petition 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 May 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hilton Longboat Key Beachfront Resort – Room Tower. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14

days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-167).

A copy of the Petition 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 May 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Pensacola Police Headquarters. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.18.5.1, 2.20.1 and 2.15.9, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires suspension by steel wire ropes, governor ropes be no less than 9.5 mm and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-170).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 21, 2011, by Michelle Gray. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 9, of the March 4, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which 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 for the first test section passed. The Board considered the instant Petition at a duly-noticed public telephonic meeting held on March 25, 2011.

The Board's Order, filed on May 9, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice: of the issuance of an Order regarding the Petition for Variance, filed on January 18, 2011, by April DiSegna. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 8, of the February 25, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled “Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules” which 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 for the first test section passed. The Board considered the instant Petition at a duly-noticed public telephonic meeting held on March 25, 2011.

The Board’s Order, filed on May 9, 2011, denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on May 12, 2011, the Board of Medicine, Council on Physician Assistants, received a petition for waiver or variance filed on behalf of Tomas J. Chao, 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: Joy A. Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on May 9, 2011, the Board of Psychology, received a petition for a permanent waiver filed by Karina Jefeiz-Zagagi, Ph.D., from paragraph 64B19-11.001(4)(b), F.A.C., regarding the provision that the Florida Laws & Rules examination ceases to be valid after 18 months. Comments on this petition should be filed with the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on May 19, 2011, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 9I-40.100(2)(a) and subsection (3), F.A.C., which deals with the terms and conditions of loans for HOME rental developments, from Winchester Gardens Preservation, LP. The petition is seeking a waiver asking for a waiver of the required annual fixed interest payment for loan financing provided through the HOME Investment Partnerships Program.

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 at: 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.

**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
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection