

e. Include a statement regarding interest rates to the effect that "Interest rates may have certain limitations. Please refer to your policy for further details."

f. On the cover page of any annuity with a bonus, include the following statement regarding the payment of any bonuses: "It is important that you understand how the bonus feature of your contract works. Please refer to your policy for further details."

g. On the cover page of any fixed annuity policy, include the statement that, "A Buyers Guide is required to be given to you."

h. On the cover page of any variable annuity policy, include a statement that, "A prospectus and policy summary must be given to you."

2. Contact information for the issuing company to include the full name of the company, address and telephone number of the contact person/area for consumer help. The information should state it is for policy owners to present inquiries or obtain information about coverage and to provide assistance in resolving complaints.

3. Contact information for the selling agent to include the full name, address and telephone number.

4. Contact information for the Florida Department of Financial Services, Division of Consumer Services, to include its toll-free help-line number and link to the Division's "Understanding Coverage" page located at <http://is.gd/FLinsurance>.

(3)(2) No change.

(4)(3) Duties of Insurers and Insurance Agents.

(a) through (g) No change.

Rulemaking Authority 624.308(1), ~~626.016~~, ~~627.4554(10)(9)~~ FS. Law Implemented ~~624.307(1)~~, ~~624.308~~, ~~626.99(4)(c)~~, ~~627.4554~~ FS. History--New 12-25-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Brinkley, Special Investigator, Bureau of Investigation, Division of Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 19, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725
RULE TITLE: Permissible Items for Visitors
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly.

33-601.725 Permissible Items for Visitors.

(1) through (2) No change.

(3) This rule shall take effect October 1, 2011.

Rulemaking Specific Authority 944.09, ~~944.23~~ FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, 10-1-11.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001
RULE TITLE: License by Endorsement
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 43, October 29, 2010 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Boca Raton Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the CJSTC form 86A for each officer was not

signed by a CJSTC certified firearms instructor for every officer during the 2008 reporting cycle. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to sign their CJSTC form 86A for their requalification shoots during the 2008 reporting cycle.

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, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Eatonville Police Department on behalf of 18 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructors who supervised the shoots were not fully certified firearms instructors during the 2008 and 2010 reporting cycles. The instructors had not completed their internships with certified firearms instructors prior to supervising the officer's completion of the mandatory firearms requalifications. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to complete their instructor internships prior to supervising the 18 officers' mandatory firearms retraining.

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, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on July 8, 2011, the Criminal Justice Standards and Training Commission, received a petition for a temporary variance of paragraph 11B-30.006(2)(a), F.A.C., by William M. Lamb. Paragraph 11B-30.006(2)(a), F.A.C., requires individuals wishing to take the State Officer Certification Examination to first pass basic recruit training within four years of commencing such training. The Petitioner wishes to be granted a variance for six months to permit him to: complete the one class (defensive tactics) he needs to pass basic recruit training; take and pass the State Officer Certification Examination; and, gain employment in

Florida as a law enforcement officer. The Petitioner states as a reason for granting the waiver that he has been out-of-state for nearly three years caring for an ailing stepparent. The Petitioner states that he is facing a hardship of being considered an out of state student if he is forced to recommence basic recruit training.

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, FL 32302 or, by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Ocoee Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors who supervised the mandatory shoots were not fully certified as a CJSTC firearms instructors at the time of the officers' requalifications. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to comply with all administrative aspects of firearms instructor certification.

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, FL 32302 or by telephoning (850)410-7676.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on July 11, 2011, the Department of Transportation, received a petition for emergency waiver from William Najmark seeking a waiver from the provisions of Rule 14-96.016, F.A.C., requiring for the owner or authorized agent to maintain their portion of a driveway connection area. Mr. Najmark proposes the Department grant a onetime waiver of this requirement and requests the Department to repair a portion of its right of way adjacent to his property and control any flooding onto his property.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, deanna.hurt.dot.state.fl.us.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Destin Gulfgate Owner's Association, Inc.'s petition for variance or waiver from subsection 25-6.049(5), Florida Administrative Code, filed March 4, 2011, in Docket No.: 110063-EU was approved by the Commission by Order No.: PSC-11-0253-PAA-EU, issued June 13, 2011, consummated by Order No.: PSC-11-0297-CO-EU, issued July 8, 2011. The rule addresses the conditions under which individual occupancy units in residential and commercial buildings must be metered for their electricity use. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W., on March 18, 2011.

A copy of the Order can be obtained from: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lions Gate. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2011-219).

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 June 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for St. Lucie Co. Courthouse Prisoner Elevator. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump 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 2011-220).

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 June 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Juarez Bldg. 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 2011-221).

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 July 1, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sidney & Berne Davis Art Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires no part of the car hitting the pit floor 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 2011-222).

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 July 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Southern Breeze Gardens. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 211.3b and 101.5b, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires ventilation of and a smoke detector in the machine room 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 2011-224).

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 July 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Baptist Hospital. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.2.2.4 and 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a drain or sump pump with a means to prevent water, gasses and odors from entering the hoistway 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 2011-225).

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 July 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for First Christian Towers. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2011-226 and VW 2011-227).

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 July 13, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Princeton Plaza. 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 2011-228).

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 July 7, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Four Points by Sheraton Punta Gorda Harborside – The Tiki, Punta Gorda, FL. The above referenced F.A.C. addresses the requirement 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 the handwash and dump sinks.

The Division of Hotels and Restaurants 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.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on June 28, 2011, the Bureau of Beaches and Coastal Systems, received a petition for variance and/or waiver pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from subsections 62B-33.002(18), (64), F.A.C., which defines "Eligible Structures" and "Vulnerable" respectively and from subparagraphs 62B-33.0051(1)(a)1. and 2., F.A.C., which provides the conditions where armoring is authorized. The petition was received from Theriaque & Spain, P.A., on behalf of Keith and Carol Sirockman, regarding OK-398 AR V. The property is located at 67 Lands End Dr., Destin, in Okaloosa Co.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the: Department, 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 12, 2011, the Board of Clinical Laboratory Personnel, received a petition for Lina Russell, seeking a variance or waiver of subsection 64B3-3.001(1), Florida Administrative Code, which requires

that each clinical laboratory personnel training program shall be approved by the Board of Clinical Laboratory Personnel and pay the fee set forth in subsection 64B3-9.001(8), F.A.C.

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 on May 23, 2011, the Board of Opticianry, received a petition for waiver or variance, file by Lucindo Fidalgo. Petitioner did not state the rule which he is seeking a waiver or variance. However, he asks that the Board consider an exception to the requirement that he has actively practiced in another state for more than three years of the last five years immediately preceeding application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that on July 5, 2011, the Board of Opticianry, received a petition for waiver or variance, filed by Rebecca Law, from Rule 64B12-9.0015, F.A.C., with regard to the requirements for eligibility to sit for examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN that on July 11, 2011, the Board of Opticianry, received a petition for variance or waiver, filed on behalf of Frank Loiercio, from Rule 64B12-9.0015, F.A.C., with regards to the requirements for eligibility to sit for examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on July 5, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(4), Florida Administrative Code, from Children's Home Society of Florida and Arlene Clarke, assigned Case No.: 11-024W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct child care staff shall have a bachelor's degree in social work, or related area of study from a college or university and at least 3 years of experience in working with children, or 2 years of college and 4 years of experience in working with children.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN that on July 1, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-14.005(4), Florida Administrative Code, from Jackie Alvarez, assigned Case No.: 11-023W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct care staff shall have a bachelor's degree in social work or related area of study from a college and 4 years of experience in working with children.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State, Office of Cultural, Historical and Information Programs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, August 9, 2011, 1:30 p.m. (EST) – until conclusion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9395093665#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the April 4, 2011, Strategy Setting Workshop held for the purpose of planning for Florida's 500-year anniversary, or Quincentennial, of its discovery by European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building in local communities around the state. Agenda will be posted on www.fl500.com from August 2, 2011.

A copy of the agenda may be obtained by contacting: Rachel Porter, Special Programs Coordinator at (850)245-6360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Porter, Special Programs Coordinator at (850)245-6360 or rachel.porter@dos.myflorida.com. 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).