

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission hereby gives notice that Progress Energy Florida, Inc.'s petition for variance and waiver from paragraphs 25-6.065(5)(d) and (e), Florida Administrative Code, filed January 6, 2012, in Docket No. 120012-EI was approved by the Commission by Order No. PSC-12-0173-PAA-EI issued April 2, 2012, consummated by Order No. PSC-12-0218-CO-EI, issued April 24, 2012. Paragraph 25-6.065(5)(d), F.A.C., addresses the requirement that a Standard Interconnection Agreement contain a provision that the customer hold harmless and indemnify the investor-owned utility for all loss to third parties resulting from the operation of the customer-owned renewable generation, except when the loss occurs due to the negligent actions of the investor-owned utility. Paragraph 25-6.065(5)(e), F.A.C., addresses the requirement that a Standard Interconnection Agreement contain general liability insurance for personal and property damage, or sufficient guarantee and proof of self-insurance, in the amount of no more than \$1 million for Tier 2 customers and no more than \$2 million for Tier 3 customers. 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. As stated above, the petition for variance and waiver from this rule also included paragraph 25-6.065(5)(e), Florida Administrative Code. The Commission ruled that a waiver and/or variance of paragraph 25-6.065(5)(e), F.A.C., appeared to be unnecessary because the rule only requires insurance in an amount up to \$1 million. Notice of the petition was published in the F.A.W. on January 20, 2012.

A copy of the Order or additional information may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN that on April 13, 2012, the Florida Public Service Commission, received a petition for waiver of paragraphs 25-30.037(3)(i), (j) and (k), F.A.C. and paragraph 25-30.030(4)(c), subsections 25-30.030(5), (6) and (7), Florida Administrative Code (F.A.C.), from Utilities, Inc., Docket No. 120084-WS. The petition requests that these rules, which address information and other requirements for the approval of a transfer of majority organizational control of water and wastewater companies, be waived to permit the efficient transfer of the parent company of several Florida and other state utility companies. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public

Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact: Ralph R. Jaeger, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, telephone (850)413-6234.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or website: <http://www.psc.state.fl.us/psc/dockets>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 2, 2012, the South Florida Water Management District ("District"), received a petition for waiver from Florida Department of Transportation (FDOT), Application Number 12-0426-2M, for the replacement of existing guardrail with traffic barrier and new guardrail within Works or Lands of the District known as L-20; Section 14, Township 44 South, Range 36 East, Palm Beach County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within the District's 100' equipment staging area within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268, email: jurussel@sfwmd.gov. The District will accept comments concerning the petition received by end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from UWF, President's Hall, filed January 27, 2012, and advertised in Vol. 38, No. 6, 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 2.20.1, 2.20.9 and 2.24.2 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 the use of coated steel belts 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 2012-034).

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 April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from UWF, College of Business, filed January 27, 2012, and advertised in Vol. 38, No. 6, 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 2.20.1, 2.20.9 and 2.24.2 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 the use of coated steel belts 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 2012-029).

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 April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Southampton B, filed March 27, 2012, and advertised in Vol. 38, 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 and 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 upgrading the elevators for firefighters' emergency operations and platform guards until January 1, 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 2012-104).

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 April 26, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ironwood Building G. 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 2012-129).

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 April 26, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ironwood Building H. 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 2012-130).

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 April 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 2400 Maitland. 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 2012-131).

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 April 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 500 Winderley. 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 2012-132).

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 April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Summit Place Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and A17.1b, Section 303.3d, 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 a shut-off valve 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 2012-133).

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 April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Stevens Landing. Petitioner seeks an emergency variance of the requirements of ASME A17.1a, Section 303.3d, 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 shut-off valve in the elevator 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 2012-134).

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 April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 1st Baptist Church of Charlotte. Petitioner seeks an emergency 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, and from Section 3008.1(3)(e) Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump in the

elevator pit and a sump of adequate size and depth to prevent the accumulation of water 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 2012-135).

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 1, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7) Florida Administrative Code, from SFT Commissary, LLC located in Dania Beach, FL. 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 an adjacent 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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on April 6, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sushi Café Catering located in Hollywood, FL. 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 an adjacent establishment for use by customers only.

The Petition for this variance was published in Vol. 38, No. 16 on April 20, 2012. The Order for this Petition was signed on April 26, 2012 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 bathrooms located within Bella Rinatti Beauty Studio are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If

the ownership of Bella Rinatti Beauty Studio changes, an updated signed agreement for use of the bathroom facilities is required immediately.

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 Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Scott D. Brace, filed on February 9, 2012. The Notice of Petition for Variance was published in Vol. 38, No. 8, of the February 24, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 13, 2012, in Tampa, Florida.

The Board's Order, filed on April 24, 2012, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), Florida Administrative Code, qualifications for certification of general contractors which would allow Petitioner to construct (non-exempt) rail work and structures incidental thereto.

A copy of the Order or additional information may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that on April 23, 2012, the Construction Industry Licensing Board, received a petition for variance or waiver, filed by Richard J. Porcelli, Thunderbolt Construction Services, LLC. The Petitioner is seeking a permanent waiver or variance of Rule 61G4-15.006, F.A.C., related to financial responsibility and financial stability requirements for initial licensure.

Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN that on May 2, 2012, the Electrical Contractors' Licensing Board, received a petition for Richard Alger, seeking a variance or waiver of Rule 61G6-5.002, Florida Administrative Code, which requires that an applicant for certification by examination or by endorsement submit a complete application on the form prescribed by the Department of Business and Professional Regulation together with all supporting data. For re-examination on the Technical/Safety examination, a retake exam application must be submitted on a form provided by the Department.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

The Electrical Contractors' Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance which was filed on December 1, 2011, by Paul Avila. The Notice of Petition for Variance/Waiver was published in Vol. 38, No. 7, of the February 17, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance from subsection 61G6-5.002(1), F.A.C., entitled "Application for Certification by Examination; Reexamination," which requires that an applicant for certification by examination or by endorsement submit a complete application on the form prescribed by the Department of Business and Professional Regulation together with all supporting data. For re-examination on the Technical/Safety examination, a retake exam application must be submitted on a form provided by the Department. The Board considered the instant Petition at a duly-noticed public meeting, held January 19-20, 2012, in Amelia Island, Florida.

The Board's Order, filed on March 15, 2012, granted the petition, finding Petitioner demonstrated that application of the rule to his circumstances would violate the principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 30, 2012, the Board of Clinical Laboratory Personnel, received a petition for Marilyn Horton. The petition does not state the rule from which the petitioner is requesting a variance or waiver.

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 32399-3255. Comments on this petition should be filed with the Board at the above address, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 13, 2012, the Board of Medicine, received a petition for waiver filed by Jesus Gutierrez Stone, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. 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 1, 2012, the Board of Medicine, received a petition for waiver filed by Terence R. Mahoney, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the course requirements for physicians working in pain management clinics. 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 April 26, 2012, the Board of Optometry, received a petition for waiver or variance filed by Michael J. Giese, O.D., Ph.D., F.A.A.O. The Petitioner does not state in his request which rule the Petitioner seeks the Board to interpret. However, Petitioner appears to be requesting an interpretation of Section 463.006, Florida Statutes, and asking that his teaching certificate be converted to a certified optometrist license.

Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, at the above address or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN that on April 20, 2012, the Department of Health, received a petition for Variance from subsection 64E-11.004(2) [subsection 64E-11.004(11)], Florida Administrative Code (F.A.C.), from Advanced Fresh Concepts Franchise Corp., 19205 S. Laurel Park Road, Rancho Dominguez, CA 90220. This rule requires that all potentially hazardous food be kept at 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, except during necessary periods of preparation and service. Comments on this petition should be filed with Erin Levingston, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on April 5, 2012, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(4)(f), Florida Administrative Code, from St. Johns County School District. Paragraph 65C-13.030(4)(f), F.A.C., requires child care for children in the custody of the department shall be with a licensed or registered child care provider. The cost of the child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

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.

DEPARTMENT OF ECONOMIC OPPORTUNITY

NOTICE IS HEREBY GIVEN that on April 27, 2012, the Department of Economic Opportunity, received a petition for wavier from the City of Marianna. It has been assigned case number DEO-12-041.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE IS SOUGHT: Paragraph 73C-23.0041(1)(c), F.A.C. The City of Marianna is requesting a waiver of the \$700,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Library and Information Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 1, 2012, 8:30 a.m. (EDT) – until conclusion

PLACE: The Visitor Center at Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304