

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-800.001
 RULE TITLE: Filing – Notification Registration Including Shelf Filings

NOTICE OF PUBLIC HEARING

The Financial Services Commission, Office of Financial Regulation announces a change of hearing regarding the above rule, as noticed in Vol. 38, No. 27, July 6, 2012 Florida Administrative Weekly.

DATE AND TIME: September 18, 2012, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to this rule, published on July 6, 2012, Vol. 38, No. 27, Florida Administrative Weekly. The previously noticed final public hearing for August 21, 2012 was cancelled. A copy of the agenda may be obtained by contacting: Governor and Cabinet website at: <http://www.myflorida.com/myflorida/cabinet/mart.html> or OFR website at: http://www.flofr.com/Cabinet/Public_Notices.aspx

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: John Kim, Office of Financial Regulation, (850)410-9781, john.kim@flofr.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).

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on August 3, 2012, the Division of Emergency Management, Bureau of Preparedness, Technological Hazards Section, received a petition for University Hospital & Medical Center. Petitioner seeks a waiver of the requirements of Sections 252.85(4), (5), Florida Statutes, adopted by Rules 9G-14.004 and 9G-14.005, Florida Administrative Code, that requires payment of late fees and

penalties which pose a significant economic/financial hardship. Petitioner has satisfied the reporting requirements. Any interested person may file comments within 15 days of the publication of this notice with: Mindy Dowling, Bureau of Preparedness, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mindy Dowling, Bureau of Preparedness, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Standards and Training Commission hereby gives notice that on August 9, 2012, the Criminal Justice Standards and Training Commission has issued an order.

On July 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., by the Florida Department of Corrections on behalf of three officers. Paragraph 11B-27.00213(4)(b), F.A.C., requires officers on a Temporary Employment Authorization to have a four year break in service if they separate from employment while in good standing. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 38, No. 32, on August 10, 2012.

On August 9, 2012, at its regularly scheduled business agenda meeting held in Ponte Vedra Beach, FL, the Commission found that the Petitioner’s situation is unique. The Petitioner demonstrated that the strict application of the Commission’s rules in this case would violate the principles of fairness. The Petitioner’s TEA officers had, in fact, complied with all aspects of paragraph 11B-27.00213(4)(b), F.A.C. and Section 943.131(1), F.S. The TEA officers were involuntarily separated from employment with the Petitioner while in good standing because of the Petitioner’s budgetary issues. The Commission found that the purposes of the underlying statute, Section 943.131(1), F.S., to ensure that TEA officers do not voluntarily separate from TEA employment while in good standing merely to pursue a more attractive TEA elsewhere, will be met by granting this waiver request. The Commission granted the Petitioner’s waiver permanently for the June 3, 2011, separation. The TEA officers may obtain another TEA without waiting four years from June 3, 2011, if they comply with all other requirements for becoming TEA trainees. A similar petition for waiver of paragraph 11B-27.00213(4)(b), F.A.C., was granted by the Commission for 190 DoC TEA trainees in June of 2011. The three trainees who are the subject of this petition were inadvertently omitted from the list of TEA trainees submitted by DoC for the 2011 waiver request.

A copy of the Order or additional information 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.

The Criminal Justice Standards and Training Commission hereby gives notice that on June 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.0024(2)(b), F.A.C., from Manatee Technical Institute Law Enforcement Academy. Paragraph 11B-35.0024(2)(b), F.A.C., requires students taking the Vehicle Operation Instructor Course to pass the course without remediation. Five students from the March 31, 2008, through April 4, 2008, Vehicle Operations Instructor course at Manatee Technical Institute Law Enforcement Academy were remediated. The petition supports the requested waiver by stating that the students would suffer a substantial hardship, as would the many students that these five have trained, by having their training nullified. The petition further states that such an outcome would violate principles of fairness.

Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 38, No. 27, July 6, 2012.

On August 9, 2012, pursuant to notice, at a meeting held in Ponte Vedra Beach, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. These five student instructors relied upon misinformation and remediated portions of their proficiencies. The student instructors were then permitted to graduate and instruct other officers in Vehicle Operations. After careful consideration of the facts in this matter, the Commission issued an order granting the Petitioner's waiver.

A copy of the Order or additional information 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.

The Criminal Justice Standards and Training Commission hereby gives notice that on August 9, 2012, the Criminal Justice Standards and Training Commission has issued an order. On July 31, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.002(4), F.A.C., by the Rockledge Police Department on behalf of Nichole Parrish. Subsection 11B-27.002(4), F.A.C., requires officers to become employed within four years of beginning basic recruit training. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 38, No. 32, on August 10, 2012.

On August 9, 2012, at its regularly scheduled business agenda meeting held in Ponte Vedra Beach, FL, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's

rules in this case would violate the principles of fairness. The Petitioner was in the process of completing the hiring of Ms. Parrish when Ms. Parrish became subject to the restriction of subsection 11B-27.002(4), F.A.C. The Commission found that the purposes of the underlying statute, Section 943.1395(1), F.S., to ensure that officers meet strict qualification criteria and minimum training requirements, is being addressed in an alternative method by granting this rule waiver. The Commission granted the Petitioner's waiver permanently for the completion of hiring protocols. The Commission granted a similar request on behalf of Brian Call and Pasco County Sheriff's Office at the August, 2007, Commission meeting in case number VAR-2007-24. In that case, as in this case, the agency had begun the hiring process prior to the expiry of the employee's four years. Likewise, in VAR-2007-24, the employment was not completed prior to the expiry of the four years through no fault of the officer.

A copy of the Order or additional information 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.

The Criminal Justice Standards and Training Commission hereby gives notice that on June 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of Rule 11B-18.005, F.A.C., from State Regional Law Enforcement Training Council XV. Rule 11B-18.005, F.A.C., requires the Region XV Training Council to have members from agencies which no longer have law enforcement functions, or which no longer exist. The petition supports the requested waiver by stating that the agencies which no longer have law enforcement functions or which no longer exist should be permanently removed from the council and the Supreme Court Marshal's Office should be added, because that office performs law enforcement functions.

Petitioner states that the council will suffer a substantial hardship the waiver is not granted, because it has members which no longer engage in law enforcement duties and which no longer exist. These members are voting members without which the council cannot conduct its business. The council further states that it would also violate principles of fairness to exclude the Supreme Court Marshal's Office from representations on the council.

Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 38, No. 27, July 6, 2012.

On August 9, 2012, pursuant to notice, at a meeting held in Ponte Vedra Beach, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The composition of the State Regional Law Enforcement Training Council XV must

be amended so that the Council can conduct needed business. After careful consideration of the facts in this matter, the Commission issued an order granting the Petitioner's waiver. A copy of the Order or additional information 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.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN that on August 08, 2012, the State Board of Administration of Florida (SBA), Florida Hurricane Catastrophe Fund, received a petition for Emergency Variance or Waiver from Rules 19-8.010, 19-8.028 and 19-8.030, F.A.C., from Homeowners Choice Property & Casualty Insurance Company, Inc. The above referenced rules address, among other things, the timing of selections of optional coverage. The Petitioner is requesting that the deadlines be waived and an untimely cancellation of optional coverage be allowed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tina Joanos, Agency Clerk, SBA, P. O. Box 13300, Tallahassee, Florida 32317-3300, email: Tina.Joanos@sbafla.com. Any interested person or other agency may submit written comments on the Petition for Emergency Waiver or Variance. To be considered, comments must be received by the close of business on the 5th day following publication of this notice in the August 24, 2012, edition of the Florida Administrative Weekly. Comments should be sent to the Agency Clerk at the address provided above.

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) hereby gives notice on August 9, 2012, the District's Governing Board issued SFWMD Order No.: 2012-085-DAO-ROW to Toras Chaim Development Corp. (Application No. 12-0628-3). The petition for waiver was received by the District on June 28, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 29, on July 20, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow the existing fencing, trees, concrete pad with dumpster, irrigation pump, asphalt paving and wrought iron gate with bollards to remain within the north right of way of C-9 at 1025 N.E. Miami Gardens Drive, North Miami Beach; Sections 5 & 6, Township 52 South, Range 42 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative 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), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures

within 40 feet of the top of canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule 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, Florida 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on August 13, 2012, the Agency for Health Care Administration ("AHCA") issued a Final Order Denying Petition for Variance from Rule 59G-4.250, Florida Administrative Code. The Final Order was entered in response to the Petitioner's document entitled, "Petition for Variance from or Waiver of Rule 59G-4.250, F.A.C.," which was treated as a Petition for Variance from Rule 59G-4.250, Florida Administrative Code (the "Petition"). On May 14, 2012, AHCA received the Petition from Walgreen Co. Walgreen Co. seeks variance or waiver from the current version of Rule 59G-4.250, Florida Administrative Code (amended June 19, 2012), as well as the previous version (amended November 3, 2008) of the rule.

Rule 59G-4.250, Florida Administrative Code, entitled Prescribed Drug Services, requires that all participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook (Handbook), updated May 2008 and June 2012. Walgreen Co. seeks to preserve the enrollment of certain newly acquired specialty pharmacies in the Florida Medicaid program that have not yet received their Drug Enforcement Administration ("DEA") registrations and allow certain other community pharmacies to enroll pending their receipt of their DEA registrations. Walgreen Co. seeks a variance or waiver from the portion of the Handbook which lists DEA registration as one of the items needed for enrollment as a prescribed drug services provider. The Notice of the Petition was published in the Florida Administrative Weekly on June 8, 2012.

On August 13, 2012, AHCA issued a Final Order denying the Petition. AHCA determined that the Petition failed to provide facts that constitute competent, substantial evidence, pursuant to Section 120.542, Florida Statutes, to support a variance or waiver of Rule 59G-4.250, Florida Administrative Code. A copy of the Final Order may be obtained by writing to: Richard

Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station 3, Tallahassee, Florida 32308.

A copy of the Order or additional information may be obtained by contacting: Tracie Hardin, Esquire, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station #3, Tallahassee, Florida 32308, (850)412-3643.

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 August 10, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Plaza 300 Associates LLC, filed April 18, 2012 and advertised in Vol. 38, No. 18 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, 3.3.2, and 2.7.4 ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, platform guards (aprons), and door restrictors because Petitioner states that door restrictors and car aprons would trigger additional upgrades, which is not true. 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 2012-119).

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 August 10, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Dohring Group, filed June 19, 2012, and advertised in Vol. 38, No. 26 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 3.3.2, ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators platform guards because the existing guard is the maximum 21" reasonable length and 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 2012-196).

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 August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Hyatt Place, filed July 2, 2012, and advertised in Vol. 38, No. 29, 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 A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that require that suspension and governor ropes be no less than 9.5 mm to allow the installation of approved 6mm governor ropes and 8 mm hoist ropes 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 2012-212).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from the Home Association, filed July 6, 2012, and advertised in Vol. 38, No. 29, 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 3.4.4, 3.9.1, 3.9.2, 3.10.3, 2.2.4, 2.3.1, 2.7.3, 3.4.1, and 3.4.2 ASME A17.3, 1996 edition and 8.6.1.6.3 ASME A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators from providing ventilation of the machine room, access to pit and hoistway, car enclosures, car doors and gates, emergency exits, normal terminal stopping devices, final terminal stopping devices, top-of-car operating devices and wiring diagrams 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 2012-217).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Trafalgar Court, filed July 30, 2012, and advertised in Vol. 38, No. 32, 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 subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, 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 2012-246).

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 August 10, 2012 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Tradition Hospital, filed July 23, 2012, and advertised in Vol. 38, No. 31, 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 2.20.4, 2.24.2.1, ASME A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, the petition is to allow the removal of previously approved Kevlar ropes and replace them with 8mm steel ropes 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 2012-240).

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 August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from FW Medical Office, filed June 29, 2012, and advertised in Vol. 38, No. 29, 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, and 2.20.1, ASME A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires 9.5mm ropes and upgrading the elevators with approved 6mm governor ropes and non-circular elastomeric coated steel suspension 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 2012-207).

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 August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Nemours Children's Hospital, filed July 2, 2012, and advertised in Vol. 38, No. 29, 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 A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires 9.5mm suspension and governor ropes and installing approved 6mm governor ropes and 8mm hoist ropes 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 2012-211).

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 August 10, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Lafayette Bldg., filed July 16, 2012, and advertised in Vol. 38, No. 31, 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 8.6.5.8 ASME A17.1a, 2005 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires installing a bulkhead on in ground hydraulic cylinders until July 1, 2015, 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 2012-232).

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 August 9, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Acapulco Inn. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators 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 2012-260).

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 August 9, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Regency West Apartments, A condominium. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), 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 2012-261).

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 August 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 933 Office Building. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), 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 2012-263).

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 August 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Surfrider Condominium. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), 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 2012-262).

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 August 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Port Belleair No. 2. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators lifejacket system at this time 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 2012-265).

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 August 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for La Quinta Inn 0641. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), 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 2012-264).

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 August 8, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from Big Daddy G Foods located in Orlando, FL. 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 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: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on July 18, 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 Divine Nutrition located in Daytona Beach Shores, 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. 31 on August 3, 2012. The Order for this Petition was signed on August 9, 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 Heavenly Fitness are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are 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 Heavenly Fitness 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: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on August 10, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.11, 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Dunkin' Donuts located in Fort Myers, FL. The above referenced F.A.C. addresses the requirements that each establishment have facilities to maintain potentially hazardous food at proper temperature and that food must be properly stored in a licensed establishment. They are requesting to share cold holding facilities and food storage areas located within another permitted establishment.

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: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on August 8, 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 Sebago Catering located in Key West, 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: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on August 2, 2012, the Board of Accountancy, received a petition for Maria Cigliutti, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that 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 date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on July 30, 2012, the Board of Accountancy, received a petition for Ricardo J. Diaz, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that 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 date for the first test section(s) passed. In the event all four test sections of the CPA Examination are not passed with the rolling eighteen-month

period, credit for any test section(s) passed outside the eighteenth-month period will expire and that test section(s) must be retaken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on August 10, 2012, the Department of Environmental Protection, received a petition for RaceTrac Petroleum, Inc., seeking an emergency permanent waiver from paragraph 62-521.400(1)(l), F.A.C., to allow for the placement of an underground storage tank at the RaceTrac-Livingston project located at 23390 State Road 54 in Hillsborough County. The location of the proposed tank falls within the 500-foot setback from a non-transient, non-community well that is located at a nearby childcare center, All Kids Academy in Pasco County. The petition has been assigned OGC File No.: 12-1409. Written comments must be received by Donnie McClaugherty at the address below no later than 5 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Donnie McClaugherty, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8645; email: Donnie.McClaugherty@dep.state.fl.us.

DEPARTMENT OF HEALTH

Notice is hereby given that the Petition for Waiver or Variance filed by Mohammad H. Gharavi, M.D., from Rule 64B8-9.0131, F.A.C., has been withdrawn, upon request of the Petitioner. The Notice of Petition was published in Vol. 38, No. 29, of the July 20, 2012, issue of the F.A.W. The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on August 9, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed on behalf of Joseph J. Karimpil, M.D. on July 2, 2012, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 38, No. 29, of the Florida Administrative Weekly, on July 20, 2012. The Board, at its meeting held on August 3, 2012, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a

substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on August 9, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed on behalf of Sajidkhan S. Pathan, M.D., on May 17, 2012, seeking a waiver from Rule 64B8-4.018, F.A.C., with regard to the requirement that the core clerkship rotation be completed at a hospital which at the time had a residency program accredited by the Accreditation Council for Graduate Medical Education. The Notice was published in Vol. 38, No. 22, of the Florida Administrative Weekly, on June 1, 2012. The Board, at its meeting held on August 3, 2012, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on August 9, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Gholam Ali Peyman, M.D. on June 6, 2012, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education and transcripts directly from Petitioner's medical school. The Notice was published in Vol. 38, No. 25, of the Florida Administrative Weekly, on June 22, 2012. The Board, at its meeting held on August 3, 2012, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on August 9, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Marc L. Pollack, M.D., on May 8, 2012, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 38, No. 20, of the Florida Administrative Weekly, on May 18, 2012. The Board, at its meeting held on August 3, 2012, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a

substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on August 9, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed on behalf of Asok Kumar Sinha, M.D., on May 16, 2012, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 38, No. 22, of the Florida Administrative Weekly, on June 1, 2012. The Board, at its meeting held on August 3, 2012, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN that on August 10, 2012, the Board of Physical Therapy Practice, received a petition for a variance or waiver of sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C., filed by Heather D. Harstell, Ph.D, MDiv, PT, which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on August 10, 2012, the Board of Physical Therapy Practice, received a petition for a variance or waiver of Rule 64B17-3.001, F.A.C., filed by Victoria Jaramillo, which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05,

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

NOTICE IS HEREBY GIVEN that on August 3, 2012, the Board of Psychology, received a petition for a variance or waiver, filed by Denese Gail Simone Marshall, of Rule 64B19-11.005, F.A.C., which requires that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2012, 1:00 p.m. – 3:00 p.m. (EST)

PLACE: The Orange County Regional History Center, Linda W. Chapin Gallery, 65 East Central Boulevard, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the Viva Florida 500 initiative to commemorate Florida's 500-year anniversary, or Quincentennial, of the landing of European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building statewide and in this region of Florida. Agenda will be posted on www.fla500.com from August 29, 2012.

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