

transactional costs. The rule affects small businesses, but not small counties or cities. Alternatives to the text were discussed and considered at the rule hearing held by the department.

The person to be contacted regarding the above notice is: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-7.003  
 RULE TITLE: Counterfeit-Resistant Prescription Blanks

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 45, November 12, 2010 issue of the Florida Administrative Weekly.

The FSU Center for Economic Forecasting and Analysis (Center) prepared an economic analysis and revised the SERC in compliance with Chapter 2010-279, Laws of Florida. JAPC suggested corrections and, on February 14, 2011, the Center issued the revised SERC.

The SERC economic analysis shows that the proposed rule is not likely to adversely impact economic growth, job creation, investment, business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after rule implementation. The economic analysis shows that the proposed rule is likely to increase regulatory costs, including transactional costs, in excess of \$1 million in the aggregate within 5 years after rule implementation and, therefore, the rule requires legislative ratification. It estimates the number of pain-management clinic physicians who are subject to the rule. The rule will not affect costs to the agency, other governmental entities, nor will it effect state or local revenues. Transactional costs of approximately 3.8 cents per controlled substance prescription yield a total of over \$422,500 per year statewide, but no other transactional costs are expected. The rule affects small businesses, but is not expected to affect small counties or cities. Alternatives to the proposal were not submitted to the department.

The person to be contacted regarding the above notice is: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin C #06, Tallahassee, Florida 32399-3253.

**Section IV  
 Emergency Rules**

**NONE**

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

The Department of Community Affairs hereby gives notice that a Final Order Denying a Petition for Variance was issued on February 2, 2011. (This is a corrected notice; previous notice was published in the February 18, 2011, edition of the Florida Administrative Weekly.)

NAME OF PETITIONER: Kissimmee Bay Country Club.

DATE PETITION WAS RECEIVED: November 8, 2010.

NOTICE OF RECEIPT OF PETITION: Vol. 36, No. 47, November 24, 2010 (previously omitted).

RULE NUMBER AND NATURE OF RULE FROM WHICH WAIVER OR VARIANCE WAS SOUGHT: Rule No. 9G-14.003, F.A.C., Annual Registration Fee, relating to annual registration fees for hazardous chemicals. This waiver was requested pursuant to the provisions of Section 120.542, F.S. and Rule 28-104.002, F.A.C. It was assigned the number DCA10-WAI-229.

GENERAL BASIS FOR THE AGENCY DECISION: The Department determined that the petition did not meet the criteria for granting a variance or waiver to a rule under Section 120.542, F.S. and Chapter 28-104, F.A.C., in that it did not specify how a variance would serve the purposes of the underlying statute and did not explain how the rule affected the Petitioner in a manner significantly different from the way it affects other similarly situated facilities that are subject to the rule.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on February 22, 2011, the Suwannee River Water Management District, received a petition for waiver from Bruce Rankin, 9859 N.W. 38th Terrace, Branford, FL 32008, pursuant to Section 120.542, F.S. Petitioner is seeking waiver from subsection 40B-4.3030(9), F.A.C., Conditions for Issuance of Works of the District Development Permits, as to the zero rise certification requirements. Petitioner intends to replace the existing home above the 100-year flood elevation further landward, in Gilchrist County, located in Township 7 South, Range 13 East, Section 14. These rules are intended to set forth criteria for development activities within a Work of the District. The petition has been assigned ERP Number 02-0303M, B. Rankin District Floodway Project.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 17, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from St. Lucie Co. Courthouse, filed November 10, 2010, and advertised in Vol. 36, No. 47, 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 2.2.2.5 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 a drain or sump pump 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 (VW2010-677).

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

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NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 17, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from City of Jacksonville, filed August 6, 2010, and advertised in Vol. 36, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until April 16, 2011 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2010-514).

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

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NOTICE IS HEREBY GIVEN that on February 17, 2011 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has

issued an order. That Final Order was in response to a Petition for Variance from Alhambra Club Condo, filed November 18, 2010, and advertised in Vol. 36, No. 48 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 3.10.4(t), 3.11.1(a)(2) and 3.4.5(d), 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 providing stop switch either keyed or behind a locked cover, two-way communication and emergency car lighting because the features will not be installed within a reasonable time period and the Petitioner has not demonstrated that the purpose of the statute underlying the rule will sufficiently be met (VW2010-691).

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.

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NOTICE IS HEREBY GIVEN that on February 15, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Coronet 300. 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 (VW2011-057).

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

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NOTICE IS HEREBY GIVEN that on February 16, 2011, the The Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Hernandez Lunch Truck located in Bartow. 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 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

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NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation on February 17, 2011, issued a final order in response to a petition for emergency variance or waiver from DigiDeal Corporation, Petitioner, filed January 18, 2011, and advertised in Vol. 37, No. 4, of the Florida Administrative Weekly – DBPR Case No. 2011002903 (VW 2011-018).

The final order grants Petitioner a waiver from the requirement of subsection 61D-14.042(1), Florida Administrative Code (F.A.C.), which requires every Florida slot machine have an “electro-mechanical meter [to] measure total credits into the slot machine [and an] electro-mechanical meter [to] measure total credits out of the slot machine” because of substantial financial hardship. Petitioner’s Digital Table System – Virtual (DTS-V) slot machine uses electronic rather than electro-mechanical meters, but in all other respects meets or exceeds the requirements of Chapter 61D-14, F.A.C., for Florida slot machines.

A copy of the Order or additional information may be obtained by contacting:

Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 (phone: (850)921-0342).

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NOTICE IS HEREBY GIVEN that on February 21, 2011, the Board of Accountancy, received a petition for Michelle E. Gray, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

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.

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NOTICE IS HEREBY GIVEN that on February 21, 2011, the Florida Real Estate Appraisal Board, received a petition for Sunny Tyner, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on February 17, 2011, the Florida Real Estate Appraisal Board, received a petition for Jeremy Shad Hennen, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on February 15, 2011, the Florida Real Estate Appraisal Board, received a petition for Ruben Martinez, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, Supervision and Training of Registered Trainee Appraisers, that requires that a supervisory appraiser has been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

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#### **DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy And Mental Health Counseling hereby gives notice of the issuance of an Order regarding the Petition for Variance for Patricia Challen filed on November 5, 2008. The Notice of Petition for Variance was published in Vol. 34, No. 47, of the November 21, 2008, Florida Administrative Weekly. The petition requested a waiver or variance from the requirement imposed by Rule 64B4-31.007, Florida Administrative Code,

with regard to the requirement for who can act as a qualified supervisor. The Board considered the Petition at a duly-noticed public meeting held on January 29, 2009, in Jacksonville, Florida.

The Board's Order, filed on March 24, 2009, denies the Petition for Variance or Waiver, finding that Petitioner was in substantial compliance with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. The Board determined that Petitioner did not demonstrate that: the purpose of the underlying statute, Section 491.005(4), Florida Statutes, would be met were she to be granted a variance from the rule: and application of Rule 64B4-31.007, Florida Administrative Code, would present a substantial hardship to the Petitioner or that the application of that rule violates the principles of fairness with regard to Petitioner. The Board determined that a waiver of the rule would not serve the purposes of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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The Board of Clinical Social Work, Marriage and Family Therapy And Mental Health Counseling hereby gives notice of the issuance of an Order regarding the Petition for Variance for Rachel E. Vanderiet. The Notice of Petition for Variance was published in Vol. 34, No. 36, of the November 14, 2008, Florida Administrative Weekly. The petition requested a waiver or variance from the requirement imposed by Rule 64B4-2.002, Florida Administrative Code and Section 491.005(4), Florida Statutes, with regards to the requirement of face-to-face contact between an intern and supervisor. The Board considered the Petition at a duly-noticed public meeting held on January 29, 2009, in Jacksonville, Florida.

The Board's Order, filed on March 24, 2009, denies the Petition for Variance or Waiver, finding that Petitioner was in substantial compliance with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. The Board determined that Petitioner did not demonstrate that: the purpose of the underlying statute, Section 491.005(4), Florida Statutes, would be met were she to be granted a variance from the rule and application of Rule 64B4-2.002, Florida Administrative Code, would present a substantial hardship to the Petitioner or that the application of that rule violates the principles of fairness with regard to Petitioner. The Board determined that a waiver of the rule would not serve the purposes of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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The Board of Osteopathic Medicine hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Douglas Baska, D.O., filed on January 27, 2010. The Notice of Petition for Variance or Waiver was published in Volume 36, No. 6, of the February 12, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 27, 2010. The Petitioner was seeking a permanent waiver or variance of subsections 64B15-13.001(3)(b) and (5), Florida Administrative Code, with respect to the continuing education requirement for biennial renewal and the provisions of the rule that require live participatory attendance.

The Board's Order, filed on March 18, 2010, grants the Petition for Variance or Waiver of subsections 64B15-13.001(3)(b) and (5), Florida Administrative Code, for one licensure biennium. The Board finds that the Petitioner has established that the purpose of the underlying statute, would be met were he granted a variance or waiver from subsections 64B15-13.001(3)(b) and (5), Florida Administrative Code, because Petitioner will complete the required hours of continuing medical education. Further, the Petitioner has established that the Board's application of subsections 64B15-13.001(3)(a) and (5), Florida Administrative Code, to his circumstances would violate the principles of fairness and would impose a substantial hardship on him.

A copy of the Board's Order may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on February 21, 2011, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(1)(a), F.A.C., Application and Selection Procedures for Developments which is the application and selection procedures for developments from Village Carver Phase I, LLC. The petition is seeking a waiver of Part III B of the 2008 Universal Application ("the Rule") to allow Village Carver I to remain in compliance with the Rule despite the fact that only eighty-five (85%) percent of the units in the Development have bathtubs in the bathrooms.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments

concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 17, 2011, 6:00 p.m.

PLACE: Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Board of Directors will meet to discuss spring events, income and expense statements, investment reports, marketing updates and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver

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 48 hours before the workshop/meeting by contacting: Jessica Shiver. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us.

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The **Division of Historical Resources and Florida Historical Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: March 21-22, 2011, 9:00 a.m.

PLACE: Heritage Hall Auditorium, Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public review and ranking of the 2012 Small Matching Historic Preservation Grant Applications.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff via telephone at 1(800)847-7278, via email at bhpggrants@flheritage.com, or by visiting www.flheritage.com/grants.

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 3 days before the workshop/meeting by contacting: Grants Staff via telephone at 1(800)847-7278, via email at bhpggrants@flheritage.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Grants Staff via telephone at (800)847-7278, via email at bhpggrants@flheritage.com, or visit www.flheritage.com/grants

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The **Department of State, Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: March 24, 2011, 9:00 a.m.

PLACE: R. A. Gray Building, Third Floor, Room 307, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Historical Commission business meeting.

A copy of the agenda may be obtained by contacting: Division of Historical Resources via telephone at 1(800)847-7278, or by visiting www.flheritage.com/news.

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 1 day before the workshop/meeting by contacting: Division of Historical Resources via telephone at 1(800)847-7278. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Division of Historical Resources via telephone at 1(800)847-7278.

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The Florida **Department of State, Division of Library and Information Services**, announces a meeting of the State Library Council Governmental Affairs Subcommittee via conference call. All persons are invited.

DATE AND TIME: Monday, March 14, 2011, 8:15 a.m. – 8:30 a.m. EST.