

~~Medicaid fiscal agent Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 4-1-11, Repealed 4-16-11.~~

59GER11-08 Repeal of 59GER11-03 Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table.

59GER11-03 which was effective April 1, 2011 through April 15, 2011 is hereby repealed.

~~(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program. This rule is effective from April 1, 2011 through June 30, 2011.~~

~~(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, April 1, 2011, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 4-1-11, Repealed 4-16-11.~~

59GER11-09 Repeal of 59GER11-04 Family and Supported Living Waiver Provider Rate Table.

59GER11-04 which was effective April 1, 2011 through April 15, 2011 is hereby repealed.

~~(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program. This rule is effective from April 1, 2011 through June 30, 2011.~~

~~(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, April 1, 2011, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com>. Click on Provider Support, and then on Fee Schedules.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 4-1-11, Repealed 4-16-11.~~

59GER11-10 Repeal of 59GER11-05 Family and Supported Living Waiver Services Procedure Codes.

59GER11-05 which was effective April 1, 2011 through April 15, 2011 is hereby repealed.

~~(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program. This rule is effective from April 1, 2011 through June 30, 2011.~~

~~(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Home and Community Based Services Waiver Procedure Codes and Maximum Units of Service, April 1, 2011, which is incorporated by reference. The Family and Supported Living Home and Community Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent's website at <http://floridamedicaid.aes-inc.com>. Click on Provider Support, and then on Fees.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 4-1-11, Repealed 4-16-11.~~

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 16, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of subsection 11B-27.00212(14), F.A.C., from Riviera Beach Police Department. The rule requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers for whom the waiver is sought did successfully complete the course of fire, however, the instructors who supervised the mandatory shoots were not fully certified as a CJSTC firearms instructors at the time of the officers'/.xafsd

[pointewq requalifications. Petitioner states that the officers -[=']

' will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to comply with all administrative aspects of firearms instructor certification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302.

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of subsection 11B-27.00212(14), F.A.C., from Oak Hill Police Department. The rule requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers for whom the waiver is sought did successfully complete the course of fire, however, the instructor who supervised the mandatory shoots was not fully certified as a CJSTC firearms instructor at the time of the officers' requalifications. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructor failed to comply with all administrative aspects of firearms instructor certification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (District) intends to grant a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (December 27, 2010), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to Brevard County Natural Resources Management Office, for the installation and maintenance of culverts connecting mosquito impoundments to Newfound Harbor, which is part of the Banana River Lagoon Aquatic Preserve. The project is located in Brevard County, Florida in Merritt Island, south of Fortenberry Road and Merritt Island Square Mall, and west of (and adjacent to) Newfound Harbor, which is part of the Banana River Lagoon Aquatic Preserve. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (December 27, 2010), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to such waters.

The petitioner seeks a variance pursuant to Subsection 373.414(17), Florida Statutes (Fla. Stat.), in conjunction with Environmental Resource Permit Application 4-009-89095-5, to install a series of culverts to provide a connection between two mosquito impoundments and Newfound Harbor, part of the Indian River Lagoon, and to restore the existing perimeter dike to a driveable maintenance berm to be able to install and maintain the culverts. The work would occur in the Indian River which in this area is a Class II water classified by the State as approved for shellfish harvesting. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on February 11, 2011. The Executive Director is scheduled to take final action on the petition for variance and the related permit application on or after May 16, 2011.

A person whose substantial interests are or may be affected by the District's intended action has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, Fla. Stat., the petition must be filed (received), either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within fourteen (14) days of this publication date (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, Fla. Stat., is not available.

If the District takes action that substantially differs from this notice, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing the notice of final District decision (for those persons to whom the District emails actual notice), or within fourteen (14) days of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). The petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Chapter 28-106, F.A.C. Mediation pursuant to Section 120.573, Fla. Stat., is not available.

A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat., where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, F.A.C. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat., where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, F.A.C.

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

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

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

Pursuant to Section 120.68, Fla. Stat., a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. A District action is considered rendered after it is signed on behalf of the District and is filed

by the District Clerk. Failure to observe the relevant time frames for filing a petition for judicial review will result in waiver of that right to review.

The petition for variance (F.O.R. 2011-06) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters. To request copies or inspection of these files, contact: Gail L. Hankinson, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)329-4391.

NOTICE IS HEREBY GIVEN that on April 13, 2011, the South Florida Water Management District (District), received a petition for waiver from Comcast, Application No. 11-0130-1, for utilization of Works or Lands of the District known as the North New River Canal, for an existing self-supporting concrete pole encroaching approximately 3' into the south right of way of the North New River Canal located immediately upstream of Sewell Lock; Section 14, Township 50 South, Range 41 East, Broward County. The petition seeks relief from subsections 40E-6.011(4), (6), F.A.C., which governs placement of permanent and semi-permanent above-ground structures within 40' of top of canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the 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.

NOTICE IS HEREBY GIVEN that on April 12, 2011, South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver from Florida Power and Light regarding Application No. 11-0224-1 for utilization of Works or Lands of the District known as the C-102 Canal; Section 23, Township 56 South, Range 39 East, Miami-Dade County. The District originally received the petition for waiver from Florida Power and Light on March 3, 2011, and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 37, No. 11, on March 18, 2011. No public comment was received. A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or e-mail at jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on April 14, 2011, the 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, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Maria Martinez Mobile Unit located in Quincy. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

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

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Edison College Building U, filed February 7, 2011, and advertised in Vol. 37, No. 7, 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) ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-046).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 100 East Granada, filed February 14, 2011, and advertised in Vol. 37, No. 8, 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 3.10.4(t) and 3.11.1(a)(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 keyed stop switch and two way communication until March 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-053).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from 100 East Granada, filed April 18, 2011, and advertised in Vol. 37, No. 8, 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 3.10.4(t) and 3.11.1(a)(2) ASME A17.3, 1996 edition and from Rule 8.6.5.8, 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 keyed stop switch, two way communication and a safety bulkhead on the bottom of the hydraulic jack until March 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-054).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Boston Red Sox Spring Training, filed February 23, 2011, and advertised in Vol. 37, No. 10, 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) ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires suspension and governor ropes be no less than 9.5mm because the Petitioner has

demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-062).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Waterway Condo, filed February 28, 2011, and advertised in Vol. 37, No. 10, 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 February 1, 2016 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-066).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Imperial Cove Condo IX, filed February 28, 2011, and advertised in Vol. 37, No. 10, 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 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 2011-067).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for

Variance from Lake County Judicial Center Extension, filed March 1, 2011, and advertised in Vol. 37, No. 10, 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 2.20.4 and 2.24.2.1 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 a 9.5mm steel rope and a metallic sheave because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-068).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Boca Financial Plaza, filed March 1, 2011, and advertised in Vol. 37, No. 12, 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 August 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-071).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Riverwalk Condo, filed March 3, 2011, and advertised in Vol. 37, No. 12, 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 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 2011-080).

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 18, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Boca Teeca Condo #5, filed March 10, 2011, and advertised in Vol. 37, No. 12, 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 2.7.4 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 restricted door openings until April 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-084).

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 March 1, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Atlantis Condo, filed March 16, 2011, and advertised in Vol. 37, No. 13 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden as the restricted door openings required under the new rules will not be installed within a reasonable time period and no means of meeting the code have been put forth (VW 2011-090).

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.

NOTICE IS HEREBY GIVEN that on April 13, 2011, the Electrical Contractors' Licensing Board, received a petition for Matthew F. Hennessy, seeking a variance or waiver of subsection 61G6-5.002(1), Florida Administrative Code, which requires that an applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data including information required to be submitted under Rules 61G6-5.003 and 61G6-5.004, F.A.C., if applicable. Petitioner is also seeking a variance or waiver of subsection 61G6-5.002(3),

F.A.C., which requires that the initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety Examination.

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 within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 7, 2011, the Board of Accountancy, received a petition for Ramon Romero, 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 April 6, 2011, the Board of Accountancy, received a petition for Jonathan S. Gorman, seeking a variance or waiver of paragraphs 61H1-27.002(2)(a) and (b), Florida Administrative Code, which requires that an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows: 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation; 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts.

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 March 18, 2011, the Board of Accountancy, received a petition for Lauren L. Ballard, 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice that on April 19, 2011, the Department issued an order granting a variance to the Town of Penney Farms, Fl. The petition was received on February 1, 2011, and notice of receipt of the petition for variance was published in the Florida Administrative Weekly on April 1, 2011. The petition requests a variance from the paragraph 62-503.430(9)(a), F.A.C., which requires that construction loans for projects sponsored by local governments be repaid within 20 years. The Town of Penney Farms requested that their loan, No. WW781040, repayment be extended from 20 years to 30 years due to financial hardship. No public comment was received. The Order, OGC #11-0219, granted the Petition for variance from paragraph 62-503.430(9)(a), F.A.C., and extended the loan repayment period from 20 years to 30 years, based on a showing that the Town of Penney Farms demonstrated that a strict application of the rule would result in substantial hardship to the Town of Penney Farms and because the Town of Penney Farms had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order or additional information may be obtained by contacting: Pankaj M. Shah, Department of Environmental Protection, Bureau of Water Facilities Funding, MS 3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8372, pankaj.shah@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 18, 2011, the Board of Clinical Laboratory Personnel, received a petition for Tiffany L. Consoer, seeking a variance or waiver of subsection 64B3-8.005(2), Florida Administrative Code, which requires that the delinquent licensee apply for active or inactive status

during the biennium in which the license becomes delinquent. Failure by the delinquent licensee to cause the license to become active or inactive before the expiration of the biennium in which the licensee became delinquent shall render the license null and void without further action by the Board or Department.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 18, 2011, the Board of Clinical Laboratory Personnel, received a petition for Jorge L. Garcia, seeking a variance or waiver of paragraph 64B3-5.002(1)(a), Option 5, Florida Administrative Code, which requires for licensure with a specialty in microbiology and serology/immunology, that the licensee have a bachelors degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 12, 2011, the Board of Dentistry, received a petition for seeking a waiver or variance of paragraph 64B5-2.013(1)(c), F.A.C. filed by Ruth L. Masso, DDS, with respect to the following licensure requirement: that each applicant for a Florida dental license successfully complete all three examinations as provided for in Section 466.006, Florida Statutes, within a 13 month period in order to qualify for licensure.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

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

NOTICE IS HEREBY GIVEN that on April 12, 2011, the Board of Dentistry, received a petition for seeking a waiver or variance of paragraph 64B5-2.0135(1)(a), F.A.C. filed by Jeana M. Pfister, with respect to the following licensure requirement: that each applicant for a Florida dental license successfully complete all portions of the examination within a thirteen month period in order to qualify for licensure.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

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

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Board of Occupational Therapy, received a petition for Richard W. Robitaille, D.C., seeking a variance or waiver of Rule 64B11-4.001, F.A.C., with regard to the application of the provisions set forth in its administrative rule paragraph 64B11-4.001(1)(d), F.A.C., to grant him the authority to supervise the treatment sessions required to qualify Occupational Therapists and Occupational Therapy assistants for the use of ultrasound devices.

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

NOTICE IS HEREBY GIVEN that on April 14, 2011, the Board of Optometry, received a petition for waiver or variance filed by Rachel de la Riva Marcy, O.D., seeking a variance from Rule 64B13-4.002, F.A.C., with regard to an extension of time to allow a second retake due to the dates of the tests not being within the two year period by only 12 days. 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 12, 2011, the Board of Optometry, received a petition for waiver or variance filed by Kristine-Hue T. Van, O.D., seeking a variance from Rule 64B13-4.002, F.A.C., with regard to an extension of time to allow a second retake due to the dates of the tests not being within the two year period by only 12 days. 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 1, 2011, the Board of Optometry, received a petition for for waiver or variance filed by Ann Morgan Tarter, O.D., from Rule 64B13-4.001,

F.A.C., with regard to the licensure requirement of Rule 64B13-4.001, F.A.C., that applicants submit scores on the national licensing exam taken no longer than 5 years prior to application. 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)245-4620.

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Board of Physical Therapy Practice, received a petition for Anand T. Desai, seeking a variance or waiver of Rule 64B17-3.001, F.A.C., with regard to general education credits deficiency. Petitioner has demonstrated a substantial hardship or a violation of principles of fairness that would justify a waiver or variance.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on April 15, 2011, the Agency for Persons with Disabilities, received a petition for Variance from subsection 65G-7.003(4), F.A.C., which states as follows, "(4) Only licensed registered nurses or Advanced Registered Nurse Practitioners may conduct training courses for medication administration assistance certification."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Angela Green, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9499, angela_green@apd.state.fl.us.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement