

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: August 22, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on August 23, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Coral Springs Police Department on behalf of 67 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not CJSTC certified firearms instructors during the 2008 reporting cycle. Petitioner states that these 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 these officers did successfully complete the requirement simply because the instructors were not CJSTC certified firearms instructors for the requalification shoot during the 2008 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 17, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Groveland Police Department on behalf of Lt. James McConnell. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2008 and 2010 reporting cycles. Petitioner states that Lt. McConnell will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that Lt. McConnell did successfully complete the

requirement simply because his instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2008 and 2010 reporting cycles.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Mascotte Police Department on behalf of two officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not a CJSTC certified firearms instructors during the 2010 reporting cycle. Petitioner states that this officers will suffer a substantial hardship if their certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that these officers did successfully complete the requirement simply because the instructors were not CJSTC certified firearms instructors for the requalification shoot during the 2010 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 17, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Palatka Police Department on behalf of officer Brian Hawkins. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2008 reporting cycle. Petitioner states that Officer Hawkins will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that Officer Hawkins did successfully complete the requirement simply because his instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2008 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Sebring Police Department on behalf of Officer Decaris Jones. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2008 reporting cycle. Petitioner states that this officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that this officer did successfully complete the requirement simply because the instructor was not CJSTC certified firearms instructors for the requalification shoot during the 2008 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 17, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Williston Police Department on behalf of 10 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not CJSTC certified firearms instructors during the 2008 reporting cycle. Petitioner states that these officers will suffer a substantial hardship if their certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that these officers did successfully complete the requirement simply because their instructors were not CJSTC certified firearms instructors for the requalification shoot during the 2008 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 17, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Florida Atlantic University Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not CJSTC certified firearms instructors during the 2008 reporting cycle. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors were not CJSTC certified firearms instructors for their requalification shoots during the 2008 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on August 10, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Sarasota Manatee Airport Authority Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the CJSTC form 86A for each officer was not signed by a CJSTC certified firearms instructor during the 2008 and 2010 reporting cycles. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to sign their CJSTC form 86A for their requalification shoots during the 2008 and 2010 reporting cycles.

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, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by

the City of Boca Raton Police Department on behalf of seven officers for the 2010 firearms requalification period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 17 on April 29, 2011. On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission issued an order granting the Petitioner's request for a permanent 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that it has issued an order. On July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a waiver of subsection 11B-35.003(4), F.A.C., by Barry Garcia. The rule requires individuals to complete high liability training at a Commission-certified training school under Commission-certified instructors for such training to count toward becoming fully certified officers. The Petitioner wished to waive that portion of the rule requiring him to complete high liability courses at a Commission-certified training school. The petitioner completed high liability training at the agency at which he is an auxiliary officer and does not wish to repeat the courses as part of his officer certification process... Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 31 on August 5, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioner's situation is not unique. The Petitioner did not demonstrate that the strict application of the Commission's rules in this case would violate the principles of fairness. The Petitioner did not demonstrate that the high liability training that he received as an auxiliary officer is the same as the training he would receive in full basic for law enforcement certification. The Commission found that the high liability

training offered by auxiliary programs is not usually conducted according to Commission rules governing how high liability courses must be conducted for certified officer training. The Commission found that the purposes of the underlying statute, to ensure that recruits receive adequate and timely retraining, will not be met by granting this waiver request. The Commission issued an order denying the Petitioner's request for a permanent 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that it has issued an order. On July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-35.001(7), F.A.C., by Lake Technical Center. Subsection 11B-35.001(7), F.A.C., requires CJSTC certified training schools to teach the most current curriculum approved by the CJSTC. Petitioner wished to be granted a waiver for a firearms instructor course that it taught July 11, 2011-July 22, 2011. Petitioner remediated the 14 officers by providing them with the most current curriculum and an errata sheet showing exactly where changes had been made from the curriculum that was used in their course. Petitioner stated that the operation of the rule in this particular case poses a substantial hardship to the officers and their agencies because the agencies and officers relied upon the training that the officers received as partial fulfillment of the requirements for the officers to become fully CJTSC certified firearms instructors on behalf of their agencies. Petitioner further stated that the principles of fairness are violated by the application of this rule to this situation because the affected officers had no way of knowing that the course they received from Petitioner was not the most up-to-date... Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 32 on August 12, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner had made diligent inquiry as to which course it should have taught. The students were provided with appropriate remedial materials and certified that they had reviewed the materials. The Commission found that the purposes of the underlying statute, to ensure that instructors receive adequate and timely retraining, will be met by granting this waiver request. The Commission issued an order granting the Petitioner's request for a permanent 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that it has issued an order. On July 8, 2011, the Criminal Justice Standards and Training Commission, received a petition for a temporary variance of paragraph 11B-30.006(2)(a), F.A.C., by William M. Lamb. Paragraph 11B-30.006(2)(a), F.A.C., requires individuals wishing to take the State Officer Certification Examination to first pass basic recruit training within four years of commencing such training. The Petitioner wished to be granted a variance for six months to permit him to: complete the one class (defensive tactics) he needed to pass basic recruit training; take and pass the State Officer Certification Examination; and, gain employment in Florida as a law enforcement officer. The Petitioner stated as a reason for granting the waiver that he has been out-of-state for nearly three years caring for an ailing stepparent. The Petitioner stated that he is facing a hardship of being considered an out of state student if he is forced to recommence basic recruit training. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 29 on July 22, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioner's situation is not unique. The Petitioner did not demonstrate that the strict application of the Commission's rules in this case would violate the principles of fairness. The Commission found that the purposes of the underlying statute, to ensure that recruits receive adequate and timely retraining, will not be met by granting this waiver request. The Commission issued an order denying the Petitioner's request for a permanent 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 20, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Miramar 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 supported 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' requalifications. Petitioner stated that the officers will suffer a substantial hardship if their certifications

are rendered inactive as a result of this situation. Petitioner further stated 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 the instructors had not submitted all of their paperwork to become CJSTC certified firearms instructors... Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 31, August 5, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on June 20, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the Oakland Police Department. The rule requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and administered by Commission-certified firearms instructors. The petition supported 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' requalifications. Petitioner stated that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated 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 failed to comply with all administrative aspects of firearms instructor certification... Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 26, July 1, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Ocoee Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors who supervised the mandatory shoots were not fully certified as a CJSTC firearms instructors at the time of the officers' requalifications. Petitioner stated that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated 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. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 29, July 22, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructors who conducted the mandatory firearms

requalifications for Petitioner's officers had not complied with all administrative aspects of becoming CJSTC certified firearms instructors on the date they supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Pembroke Pines Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructors who supervised the requalification shoots were not CJSTC certified at the time. Petitioner stated that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated 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 not completed CJSTC firearms instructor certification prior to supervising the firearm requalifications. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 30, July 29, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructors who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming CJSTC certified firearms instructors on the date they supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 28, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from St. Augustine Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the requalification shoots were not CJSTC certified firearms instructors. Petitioner stated that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated 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 were not CJSTC certified firearms instructors. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 32, August 12, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructors who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming CJSTC certified firearms instructors on the date they supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the University of West Florida Police Department on

behalf of 19 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by CJSTC certified firearms instructors. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, they were not supervised by CJSTC certified firearms instructors while qualifying during the 2008 and 2010 reporting cycles. Petitioner stated that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated 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 were not CJSTC certified firearms instructors. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 31, August 5, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructors who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming CJSTC certified firearms instructors on the date they supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 12, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Bradford County Sheriff's Office on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. Neither Petitioner nor its officers could demonstrate that firearms requalifications were conducted for the 2008 and 2010 reporting cycles. The petition supported the requested waiver by stating that the principles of fairness will

be violated if the requested petition is not granted. The Petitioner also alleged that an application of the rule in this case would cause substantial hardship to the agency and the officers involved. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 32 on August 12, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers stated that they had, in fact, completed the Commission's course of fire. The only deficiency in the officers' firearms requalifications was that the CJSTC form 86A was not completed by the instructor for each officer at the time of the requalification.

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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on August 11, 2011, the Criminal Justice Standards and Training Commission has issued an order. The Criminal Justice Standards and Training Commission received a petition on July 12, 2011, for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Crestview Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructor who supervised the requalification shoots was not CJSTC certified at the time. Petitioner stated that the agency's officers would 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 had not completed CJSTC firearms instructor certification prior to supervising the firearm requalifications. On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the

requalification shoots. Further, the Petitioner ensured that its seven officers completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor within 24 hours of discovering the deficiency. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on August 11, 2011, the Criminal Justice Standards and Training Commission has issued an order. The Criminal Justice Standards and Training Commission received a petition on July 1, 2011, for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from DeLand Police Department on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructor who supervised the requalification shoots was not CJSTC certified at the time. Petitioner stated that the agency's officers would 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 had not completed CJSTC firearms instructor certification prior to supervising the firearm requalifications. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 28, July 15, 2011. On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. Further, the Petitioner ensured that its seven officers completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor within 24 hours of discovering the deficiency. The Commission found that the purposes of the underlying statute, to ensure that

officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 7, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Eatonville Police Department on behalf of 18 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supported the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructors who supervised the shoots were not fully certified firearms instructors during the 2008 and 2010 reporting cycles. The instructors had not completed their internships with certified firearms instructors prior to supervising the officer's completion of the mandatory firearms requalifications. Petitioner stated that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further stated that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors had failed to complete their instructor internships prior to supervising the 18 officers' mandatory firearms retraining. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 29, July 22, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted 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 32327, (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on July 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the Gadsden County Sheriff's Office on behalf of certain officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the firearms instructor who supervised the requalification shoots was not CJSTC certified at the time. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructor had not completed CJSTC firearms instructor certification prior to supervising the firearm requalifications. Notice of receipt of the petition was published in the F.A.W., Vol. 37, No. 30, July 29, 2011.

On August 11, 2011, at its regularly scheduled business agenda meeting held in Tampa, 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 Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted 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 32327, (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on August 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida

Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Original Café Eleven, St. Augustine, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

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 August 17, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Bermuda Cay, filed June 6, 2011, and advertised in Vol. 37, No. 24, 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 2011-192).

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 17, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Pines of Boca Barwood II, filed June 8, 2011, and advertised in Vol. 37, No. 25, 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 January 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 2011-197 & VW 2011-198).

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 17, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Mease Hospital & Clinic, filed June 10, 2011, and advertised in Vol. 37, No. 25, 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 January 1, 2012, 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 2011-200).

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 17, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Gulf Towers, filed June 15, 2011, and advertised in Vol. 37, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 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 upgrading the elevators for firefighters' emergency operations and restricted door openings until June 30, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-207).

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 17, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Silver Beach Club, filed July 18, 2011, and advertised in Vol. 37, 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 3.3.2 and 4.7.3 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 platform guards and anti-creep leveling devices until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-235).

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 17, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Vue at Lake Eola, filed July 19, 2011, and advertised in Vol. 37, 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 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 (VW 2011-236).

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 17, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Caravel #1, filed July 22, 2011, and advertised in Vol. 37, 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 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 two-way communication until July 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 2011-241).

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 15, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Bayshore Rental Apartments. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-271).

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 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hilton Longboat Key Beachfront Resort. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-273).

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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Highland Towers. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.3.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-274).

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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Campus Towers. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.2.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires an elevator machine room or space that is accessible by authorized personnel only which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-275).

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 19, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Wells Fargo Bank. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-278).

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 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The 600 Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-279).

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 18, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Georgie's Alibi, Wilton Manors, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the outside bar handwash sink.

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.

NOTICE IS HEREBY GIVEN that on August 18, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Big Top Flea Market/Sweet Shop, Thonotosassa, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same premise and under the same ownership.

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.

NOTICE IS HEREBY GIVEN that on July 27, 2011, the Construction Industry Licensing Board, filed by Peter M. Belmore, received a petition for a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period of four (4) years a passing grade is valid for purposes of certification.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, South District hereby gives notice that on August 5, 2011, it issued a Final Order granting a variance from the requirements of subsection 62-610.865(8), F.A.C., to Hendry County for their Port LaBelle Wastewater Treatment Plant. Hendry County filed the petition for variance on March 23, 2011. Notice of receipt of this petition was published in the F.A.W. on April 15, 2011. The petition requested a variance from subsection 62-610.865(8), F.A.C., that requires continuous monitoring of effluent for specific conductance and weekly monitoring of effluent for TSS, fluoride, TDS, chlorides, pH, sodium adsorption ratio, sodium, magnesium, and calcium for wastewater treatment plants that blend demineralization concentrate with reclaimed water. No public comment was received. The Order, OGC number 11-0509, granted the Petition, based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner 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: Brandon Ivey, DEP, South District, P. O. Box 2549, Fort Myers, Florida 33902-2549, email: brandon.ivey@dep.state.fl.us, (239)344-5600.

NOTICE IS HEREBY GIVEN that on August 10, 2011, the Department of Environmental Protection, received a petition for Keepsake Plants™, a division of Aris Horticulture Inc., seeking a permanent variance under Section 120.542, Florida Statutes, from subsections 62-520.420(1) and (2), F.A.C., to allow for the exceedance of the primary and secondary drinking water standards for sodium, chloride, sulfate, and total dissolved solids (TDS), in the ground water at the Alva Farm industrial wastewater facility located at 2201 Owanita Road, Alva, FL 33920, in Lee County. The maximum contaminant level (MCL) for sodium is 160 mg/L. The requested variance limit for sodium is 400 mg/L. The secondary maximum contaminant level (SCML) for chloride and sulfate is 250 mg/L. The requested variance limit for chloride and sulfate is 1,250 mg/L and 500 mg/L, respectively. The SCML for TDS is 500 mg/L. The requested variance limit for TDS is 2,500 mg/L. The petition has been assigned OGC File No. 11-1190.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gary Maier, Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901-2896, (239)344-5664. Written comments must be received by Gary Maier at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on August 23, 2011, the Board of Dentistry, received a petition for a Variance and Waiver filed by Fabiola D. Ortega, DDS, seeking a waiver or variance of Rule 64B5-2.013, F.A.C., seeking a permanent waiver for re-taking the Diagnostic skills examination (DSCE). 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.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services, Division of Workers' Compensation hereby gives notice that on August 23, 2011, the Department of Financial Services, Division of Workers' Compensation, issued an Order. The Order is regarding the receipt of a Amended Petition for Variance or Waiver, filed on June 3, 2011, which stated that American Policyholders Liquidating Trust was seeking a waiver from the requirements of Rule Chapter 69L-56, F.A.C., and specifically, the rule sections enumerated above. The Notice of Petition for Variance or Waiver was published on Vol. 37, No. 24, of the June 17, 2011 edition of the F.A.W. The Petitioner sought a waiver or variance from Rules 69L-56.100, .110, .200, .210, .300, .304, .310, .320, .500, .3012, .3013, .3045, F.A.C., which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. The Department's Order granted the amended petition, subject to certain conditions stated therein.

A copy of the Order or additional information may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600.
