

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on September 28, 2011, the Criminal Justice Standards and Training Commission, received a petition for a variance of subsection 11B-18.0071(1), F.A.C., from the Florida Criminal Justice Training Center Directors' Association. Subsection 11B-18.0071(1), F.A.C., requires criminal justice training centers to submit budgets to the CJSTC staff by February 1 each year. The petition supports the requested waiver by stating that the Legislature meets in January this year and, therefore, the budget of available moneys from the CJSTC trust fund to fund training at the centers will not be finalized by February 1, 2012. The FCJTCD requests a variance for this reporting deadline for this year so that their budgets may be based upon the actual CJSTC budget as approved by the Legislature. The FCJTCD requests to be permitted to submit budgets for the training centers to the CJSTC staff by April 1, 2012.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 30, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Football Stadium BT-650, filed August 9, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1, 2.20.9 and 2.24.2 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a coated steel belt 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 2011-265).

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 September 30, 2011, the Division issued

an order. The Final Order was in response to a Petition for Variance from Innovation Village Apartments, filed August 9, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1, 2.20.9 and 2.24.2 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a coated steel belt 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 2011-264).

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 September 28, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 250 Royal Palm Way. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-329).

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 September 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for FSU Wildwood Hall. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20.4, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm minimum diameter for hoisting and counterweight ropes which poses a significant economic/financial hardship.

Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2011-330).

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 October 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for FSU Wellness Center. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20.4, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm minimum diameter for hoisting and counterweight ropes 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 2011-331).

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 October 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Vista Bay. 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 2011-332).

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

DEPARTMENT OF HEALTH

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Lucindo Fidalgo, filed on May 23, 2011. The Petitioner did not state which rule for which he was requesting the Variance or Waiver. However it appears the Petitioner was requesting a Variance or Waiver from Rule 64B12-9.0015, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, denies the Petition for Variance or Waiver. The Board does not possess the authority to vary or waive the requirements of the statute. Therefore the Board denies the Petition for Declaratory Statement.

A copy of the Order or additional information may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Opticianry hereby gives notice of an Order regarding the Petition for Variance or Waiver for Frank Loiercio, filed on July 11, 2011. The Petitioner did not state which rule he was requesting the Variance or Waiver. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, denies the Petition for Variance or Waiver. The Petitioner has not demonstrated that application of the rules of the Board of Opticianry to his circumstance will impose a substantial hardship. The Petitioner has not demonstrated that he meets the requirements of Section 120.542, F.S.

A copy of the Order or additional information may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Department of Health, Bureau of Radiation Control hereby gives notice that on September 27, 2011, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for Collier County Sheriff's Office. The petition for a variance was received by the Department on July 5, 2011. Notice of receipt of the petition was published in the Florida Administrative Weekly on July 29, 2011. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Collier County Sheriff's Office has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at Collier County Sheriff's Office jails and under the condition that the machine or any future machines and their use meet ANSI/HPS 43.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting: Don Steiner, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073, (904)278-5730.

The Department of Health, Bureau of Radiation Control hereby gives notice that on September 27, 2011 pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for Pasco Sheriff's Office. The petition for a variance was received by the Department on August 1, 2011. Notice of receipt of the petition was published in the Florida Administrative Weekly on August 12, 2011. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Pasco Sheriff's Office has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at Pasco Sheriff's Office jails and under the condition that the machine or any future machines and their use meet ANSI/HPS 43.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting: Don Steiner, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073, (904)278-5730.

NOTICE IS HEREBY GIVEN that on October 3, 2011, the Department of Health, received a petition for Petitioner's Name: St. Petersburg College

Rule No.: paragraph 64J-1.020(1)(c), F.A.C.

Nature of the rule for which variance or waiver is sought: The rule relates to field experience for paramedic training programs and states, "Paramedic training programs may be allowed up to 20% of the field internship experience to be done aboard an advanced life support permitted vehicle other than an ambulance."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Cash, Training Coordinator at rebecca_cash@doh.state.fl.us or at (850)245-4440, ext. 2725.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on September 21, 2011, the Department of Children and Families, received a petition for waiver of Rule 65C-14.055, Florida Administrative Code, from House of Judah, Inc. assigned Case No. 11-032W. Rule 65C-14.055, F.A.C., requires staff of licensed child caring agencies responsible for supervision of direct care staff have a bachelor's degree in social work or a related field with two years of experience, or two years of college and four years of experience.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, FL 32399-0700.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission (FWC) hereby gives notice:

Has issued an Order (Case No. WV 11-01). The Order grants the Florida Fish and Wildlife Conservation Commission's Office of Recreation Services (Petitioner) a permanent variance from a portion of the Additional Specifications for Information, Danger, and Regulatory Markers rule (subsection 68D-23.109(3), Florida Administrative Code) which restricts the size of a sign used for information, danger, or regulatory on the waterway to be no smaller than three feet by three feet. The petition sought authorization from the size restriction for signs posting paddling trails. Signs installed to mark a paddling trail are generally located on narrow, twisting waterways inaccessible to motorized vessels but which appeal to small, non-motorized boats such as canoes and kayaks. The signs convey information such as the paddling trail direction or campsite locations. Petitioner demonstrated that signs less than three feet in size would adequately inform the user and not create a navigation hazard on small winding waterways.

Based on the information presented, FWC granted a permanent variance which allows for information signs being permitted to mark paddling trails as follows:

9" x 12" signs posted on waterways 30' or less in width

15" x 20" signs posted on waterways more than 30' wide

It was determined that signs of these sizes would be appropriate based on the size of the waterway, the nature of the vessels (canoes and kayaks) using the waterway and would be appropriate given the aesthetics of the wilderness setting. Petitioner would enjoy a reduction in costs in the manufacture and installation of the smaller sign panel. This variance, from a portion of subsection 68D-23.109(3), F.A.C., does not exempt the Petitioner from the permit requirements of the Commission's Division of Law Enforcement Boating and Waterways Section for the installation of such waterway signs.

The FWC received the petition on July 5, 2011, and a notice of petition was published in the Florida Administrative Weekly on July 29, 2011 (Vol. 37, No. 30). There were no comments submitted within 14 days following publication of the notice. The petition was granted because issuance of the variance meets the purposes of the underlying law, Sections 327.40 and 327.41, Florida Statutes, and because the petitioner demonstrated substantial hardship or that application of the rule would violate principles of fairness.

A copy of the Order may be obtained by contacting: Captain Richard Moore, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, phone: (850)488-5600 or email: waterway.management@myfwc.com.

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

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Agency for Enterprise Information Technology

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: November 1, 2011, 9:00 a.m.

PLACE: Kennedy Space Center, Debus Center, State Road 405, Kennedy Space Center, Florida 32899

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as

depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.