

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 27, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

Law Implemented will be corrected to add section 468.711, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.: 69B-221.155  
 RULE TITLE: Forms for Limited Surety (Bail Bond) Agents

**NOTICE OF CORRECTION AND NOTICE OF CHANGE**

Notice is hereby given that the following correction has been made to the above referenced rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly. The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule will not require legislative ratification based on the following information. The proposed rule adopts four forms to be used by the bail bond industry to provide information required by Sections 648.34(2)(d), 648.355(1), 648.382, 648.383(1), and 648.384(1), F.S., as part of the licensing process. The adoption of this rule and forms will allow the submission of this required information to be uniform and allow the Department to process the information more efficiently than information that is received in a non-standard format. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on

small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

Notice is also given that the Department has made changes to Form DFS-H2-1500, Limited Surety Agent, Professional Bail Bond Agent, Sworn Statement, and Form DFS-H2-1544, Appointing Form, to address comments by the Joint Administrative Procedures Committee. The changes added written declarations pursuant to Section 92.525, F.S., corrected typographical errors, and clarified a question on the form. Copies of the revised forms can be obtained by contacting Ray Wenger at Ray.Wenger@MyFloridaCFO.com.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER11-62  
 RULE TITLE: Replacement of Obsolete Emergency Rules

SUMMARY: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-62 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games and promotions are being replaced because the games and promotions have concluded and the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER09-9, 53ER09-17, 53ER10-09, 53ER10-22, 53ER10-24, 53ER10-29, 53ER10-30, 53ER10-33, 53ER10-34, 53ER10-35, 53ER10-36, 53ER10-38, 53ER10-41, 53ER10-42, 53ER10-43, 53ER10-61, F.A.C.

Rulemaking Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 11-10-11. Replaces 53ER09-9, 53ER09-17, 53ER10-09, 53ER10-22, 53ER10-24, 53ER10-29, 53ER10-30, 53ER10-33, 53ER10-34, 53ER10-35, 53ER10-36, 53ER10-38, 53ER10-41, 53ER10-42, 53ER10-43, 53ER10-61, F.A.C.

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: November 10, 2011

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 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 DeFuniak Springs Police Department on behalf of 20 officers for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting periods. 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue either are missing their appropriate CJSTC 86A forms or they were requalified by non-CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because a non-CJSTC-certified firearms instructor supervised mandatory firearms requalification for some of the officers and the appropriate CJSTC forms were not retained for other officers during the 2008 and 2010 mandatory firearms requalification 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 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on November 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 Hendry County Sheriff's Office on behalf of one officer for the 2010 reporting period (7/1/2008 – 6/30/2010). 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue did successfully complete the course of fire, however, the instructor supervising the requalifications was not a CJSTC-certified firearms instructor. Petitioner states that the 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 the officer did successfully complete the

requirement simply because a non-CJSTC-certified firearms instructor supervised the 2010 mandatory firearms requalification for the officer.

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 November 14, 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 Hendry County Sheriff's Office on behalf of one officer for the 2010 reporting period (7/1/2008 – 6/30/2010). 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue did successfully complete the course of fire, however, the instructor supervising the requalifications was not a CJSTC-certified firearms instructor. Petitioner states that the 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 the officer did successfully complete the requirement simply because a non-CJSTC-certified firearms instructor supervised the 2010 mandatory firearms requalification for the officer.

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 November 14, 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 Jupiter Island Public Safety Department on behalf of two officers for the 2008-2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting cycle. 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the instructor supervising the requalifications was a CJSTC-certified firearms instructor at the time of the requalification and did sign his own CJSTC 86A form. The other officer has no CJSTC 86A form on file for the 2010 reporting period, but did complete the mandatory course of fire. 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 the officers did successfully complete the requirement simply because the firearms instructor signed his own CJSTC 86A form and the other officer has no 86A form on file for 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 or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN that on November 11, 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 Parker Police Department, on behalf of 10 officers for the 2008 (7/1/2006 – 6/30/2008) reporting period and one officer for the 2010 reporting period (7/1/2008 – 6/30/2010). 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the instructors supervising the requalifications were not CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because a non-CJSTC-certified firearms instructor supervised the 2008 requalifications for 10 officers and the 2010 requalification for one of the 10 officers.

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.

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NOTICE IS HEREBY GIVEN that on November 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 Punta Gorda Police Department on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting periods. 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 a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue is a CJSTC-certified firearms instructor. The officer supervised his own requalification shoots and signed his own CJSTC 86A form. Petitioner states that the 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 the officer did successfully complete the requirement simply because he supervised his own requalification shoots and signed his own CJSTC 86A form.

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.

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#### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 2, 2011, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation, Application No. 11-1102-1, for utilization of Works or Lands of the District known as the C-100C Canal, Miami-Dade County, for a proposed guardrail installation. The proposed guardrail is located within the south right of way of C-100C on the east side of the northbound land of U.S. Highway 1 (S.R. 5), Section 21, Township 55 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within the District's designated equipment staging areas located at all bridges and at pile-supported utility crossings 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 email: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

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NOTICE IS HEREBY GIVEN that on November 2, 2011, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation, Application No. 11-1102-2, for utilization of Works or Lands of the District known as the C-100 Canal, Miami-Dade County, for a proposed guardrail installation. The proposed guardrail is located within the south right of way of C-100 on the east side of the northbound lane of US Highway 1 (S.R. 5), Section 28, Township 55 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within the District's designated equipment staging areas located at all bridges and at pile-supported utility crossings 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 email: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of the 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.

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#### **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 November 10, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Drury Inn & Suites, filed October 25, 2011, and advertised in Vol. 37, No 44, 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 2011-361).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Florida Gulf Coast University, filed October 17, 2011, and advertised in Vol. 37, No. 43, 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 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 9.5 mm 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 2011-350).

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 November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Inlet Harbor Club, filed September 2, 2011, and advertised in Vol. 37, No. 37, 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, 2.7.4, 3.10.4(t) and 3.3.2 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 upgrading the elevators for firefighters' emergency operations, restricted door openings, keyed stop switch and platform guards 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 2011-295).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Ormond in the Pines, filed September 8, 2011, and advertised in Vol. 37, No. 38, 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 211.3c ASME A17.1, 1987 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 call cancel and hold buttons until August 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 2011-305).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Acapulco Inn, filed September 8, 2011, and advertised in Vol. 37, No. 38, 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, 3.4.5 and 3.9.1 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, car lighting and normal terminal stopping devices until August 6, 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 2011-306).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from First National Condo, filed September 9, 2011, and advertised in Vol. 37, No. 38, 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 May 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 2011-309).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Shands Lake Shore Regional Medical Center, filed September 20, 2011, and advertised in Vol. 37, No. 40, 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, 3.11.1(a)(2) 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, two-way communication and restricted door openings until December 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 2011-320).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Porta Bella Yacht and Tennis Club, filed September 22, 2011, and advertised in Vol. 37, No. 40, 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 2011-322).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from USF Health CAMLS, filed September 23, 2011, and advertised in Vol. 37, No. 40, 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 2011-324).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Columbia Hospital, filed July 12, 2011, and advertised in Vol. 37, No. 30 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 by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting the variance from (VW 2011-233).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Yacht Haven Condo Assoc., filed June 13, 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 denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting the variance from (VW 2011-204).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Department issued a Final Order that was in response to a Petition for Variance from College Studios, filed July 28, 2011, and advertised in Vol. 37, No. 32 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, 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 because the Petitioner failed to provide the information requested by the Division (VW 2011-248).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, 850-488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 9, 2011, the Department issued a Final Order that was in response to a Petition for Variance from First Christian Towers, filed July 12, 2011, and advertised in Vol. 37, No. 29 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 by not providing the Division with the specific

rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting the variance from (VW 2011-226 & VW 2011-227).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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NOTICE IS HEREBY GIVEN that on November 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for John Knox Village. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.1.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that regulates hoistway enclosures 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 2011-372).

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

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NOTICE IS HEREBY GIVEN that on November 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Riverside National Bank. 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 2011-373).

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

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NOTICE IS HEREBY GIVEN that on November 4, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Fifth Third Bank. 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 2011-374).

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

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NOTICE IS HEREBY GIVEN that on November 4, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Bay Terrace. 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 2011-377).

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

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NOTICE IS HEREBY GIVEN that on November 4, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for NW Florida Community Hospital. 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 2011-378).

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

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NOTICE IS HEREBY GIVEN that on November 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for WPT Parking Garage. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1, 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires minimum 9.5 mm steel rope and a metallic sheave 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 2011-379).

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

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NOTICE IS HEREBY GIVEN that on November 14, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Venetian Bayview Condo Assoc., Inc. 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 2011-380).

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

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 19, 2011 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from Salim Lunch Truck, Orlando, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 37, No. 44 on November 4, 2011. The Order for this Petition was signed on November 10, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries

and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 20, 2011, the 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), (6), Florida Administrative Code, from Silva Catering, Hialeah, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 37, No. 44 on November 4, 2011. The Order for this Petition was signed on November 10, 2011, and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information 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 November 4, 2011, the Division of Pari-Mutuel Wagering, Department of Business & Professional Regulation, received a petition for emergency variance or waiver from Investment Corporation of Palm Beach, Petitioner, in DBPR Case No. 2011054137 (VW 2011-376). Petitioner is a pari-mutuel facility and cardroom operator licensed pursuant to Chapter 550 and Section 849.086, Florida Statutes, whose address is 1111 North Congress Avenue, West Palm Beach, FL 33409. Petitioner seeks a two-year waiver of the requirements of subsections 61D-11.016(1) & 61D-11.025(4)-(5), Florida Administrative Code (F.A.C.), that specify, respectively, cardroom poker table and surveillance requirements for certain high profile poker tournaments (approximately four per year), including its annual World Series of Poker tournament. For its high profile poker tournaments Petitioner desires to use up to 16 additional temporary poker tournament tables which do not have the rake circles, imprest trays, tip boxes, and drop box slots which subsection 61D-11.016(1), F.A.C., requires for regular, non-tournament play, as there is no cash used in poker tournaments and these table requirements are, therefore, unnecessary. Petitioner also seeks a waiver or variance from subsections 61D-11.025(4)-(5), F.A.C., that requires fixed cameras over each poker table used in regular, non-tournament play. Again, as there is no cash used in poker tournaments, security considerations would be fully served by having a PTZ surveillance camera for every four temporary tournament poker tables in lieu of a fixed camera over each table. Without a variance or waiver from these two cardroom rule requirements, the additional cost to Petitioner to run its poker tournaments could be up to \$12,800 additional for poker tables and \$7,500 for surveillance. This waiver or variance is requested to be effective for a duration of two years from the date of any division final order granting such. Any person whose substantial interests may be affected by a waiver on the subject matter of the Petition may file a petition to intervene within five days of the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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The Board of Professional Engineers hereby gives notice that it has received a Petition for Variance or Waiver, filed on October 21, 2011, by Alan A. Pang, P.E., Ph.D. The Petitioner seeks the Variance or Waiver from subsection 61G15-20.007(3), F.A.C., with respect to the requirement that each applicant for a Florida Engineers license must demonstrate the completion of a substantial equivalency for the general education course requirements.

The Board will address this Petition at its next meeting.



Comments on this petition should be filed with the: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303-5268, within 14 days of publication of this notice.

For a copy of the petition, contact: Carrie Flynn, Executive Director, Board of Professional Engineers, at the above address or telephone (850)521-0500.

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NOTICE IS HEREBY GIVEN that on November 1, 2011, the Board of Accountancy, received a petition for Elzbieta Bijlani, 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.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection hereby gives notice on October 31, 2011, the Department issued an order granting a variance. This Order grants a variance under Section 120.542, F.S., to Collier County regarding File No. CO-922 V. The variance is related to a Coastal Construction Control Line permit application to construct new beach structures including a viewing deck, concessions, and restroom facility at Vanderbilt Beach Road Park. A petition for variance was received on June 24, 2011. Notice of receipt of petition requesting variance was published in the F.A.W. Vol. 37, No. 27, on July 8, 2011. No public comment was received. The property is located at: 100 Vanderbilt Beach Road (Vanderbilt Beach Road Park), Vanderbilt Beach, Florida. This Order grants a variance from subsection 62B-33.005(8), F.A.C., which requires that major structures be located a sufficient distance landward of the beach and frontal dune. The petition was approved because the petitioner was able to demonstrate that strict adherence to the rule would create a substantial hardship and that the underlying statute's purpose will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on November 7, 2011, the Board of Medicine, received a petition for waiver or variance filed by Janice D. Quinones, M.D., from paragraph

64B8-4.009(1)(c), F.A.C., with regard to certain requirements with regard to her application for practice in an area of critical need. Comments on this petition should be filed with the: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN that on November 8, 2011, the Board of Pharmacy, received a petition for Arijit Aichbhaumik, on behalf of WellDyne Rx, Inc., seeking a variance or waiver of Rule 64B16-28.141, Florida Administrative Code, which defines "Automated pharmacy system" as a mechanical system, located within or adjacent to the prescription department, that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

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The Department of Health hereby gives notice:

Petitioner's Name: St. Petersburg College

Date Petition Filed: October 3, 2011

Rule No: 64J-1.020

Nature of the rule for which the variance or waiver is sought:

The rule provides that paramedic training programs may allow up to 20% of the field internship experience to be done aboard an advanced life support (ALS) permitted vehicle other than an ambulance.

Date Petition Published in the Florida Administrative Weekly: October 14, 2011.

General Basis for Agency Decision: The Department determined to grant Petitioner's petition for variance of the rule because the school would suffer a substantial hardship and the underlying purpose of the statute would be achieved. Petitioner will only count field experience when the call begins upon an ALS vehicle other than an ambulance followed by a ride with a live patient in an ambulance, which will then count as part of the required 80% full ambulance field internship experience for training purposes.

A copy of the Order or additional information may be obtained by contacting: Rebecca Cash, Training Coordinator, Department of Health, Bureau of EMS, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, FL 32399-1738.

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**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that on September 26, 2011, the Division of Funeral, Cemetery and Consumer Services, received a petition for William J. Johnson, seeking a variance or waiver of continuing education requirements pursuant to Section 470.015, Florida Statutes, and for reinstatement of his direct disposer license due to hardship or disability.

A copy of the Petition for Variance or Waiver may be obtained by contacting: LaTonya Bryant-Parker, Administrative Assistant III, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-3039. Comments on this petition should be filed with the Division of Funeral, Cemetery and Consumer Services.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Division of Historical Resources**, Bureau of Historic Preservation announces a workshop to which all persons are invited.

DATE AND TIME: December 2, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Webinar via WebEx (register online at [www.flheritage.com/grants](http://www.flheritage.com/grants))

GENERAL SUBJECT MATTER TO BE CONSIDERED: The webinar will provide a Power Point presentation on the application review process, a review of the application attachments, a demonstration of the Online Review System and review of a sample application.

Other topics to be covered include evaluation criteria, applicant administrative capability, meeting procedures, conflict of interest, staff recommendations, and the voting and ranking procedures. The webinar will conclude with a question and answer session.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff, by phone: 1(800)847-PAST or (850)245-6333, by Fax: (850)245-6437, by mail: Bureau of Historic Preservation, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by email: [bhprgrants@flheritage.com](mailto:bhprgrants@flheritage.com). It is also available online at [www.flheritage.com/grants](http://www.flheritage.com/grants).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Historic Preservation Grants Staff (see contact

information above). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Historic Preservation Grants Staff (see contact information above) or visit [www.flheritage.com/grants](http://www.flheritage.com/grants).

The Florida **Department of State, Division of Library and Information Services** announces a State Library Council Meeting via conference call. All persons are invited.

DATE AND TIME: Wednesday, December 7, 2011, 9:00 a.m. – 10:00 a.m. (EST)

PLACE: Archives Conference Room, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and discuss programs and issues related to the Division of Library and Information Services.

For additional information, contact: Judith Ring, Division Director, (850)245-6600.

Any person requiring special accommodations or assistance due to a disability or physical impairment should contact the agency at least five days prior to the meeting by calling: (850)245-6600 or TDD (850)922-4085.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida State Fair Authority**, Marketing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2011, 10:00 a.m.

PLACE: Florida State Fairground, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Sonia Velez, (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 hours before the workshop/meeting by contacting: Sonia Velez, (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).