

(19) The Gas for Life Promotion drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-22-12.

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: May 22, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Standards and Training Commission hereby gives notice that on March 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., from Florida Corrections Academy, School 66, on behalf of two Correctional Officers. Paragraph 11B-35.001(9)(b), F.A.C., requires officers to achieve a passing score of 80% or higher on the end-of-course examinations for Basic Recruit Program Courses.

The petition supported the requested waiver by stating that the officers at issue achieved what they and the Petitioner understood to be passing scores on an end-of-course examination during Class 66-2011-502-6. An audit revealed a scoring discrepancy in the two officers' scores. The officers had already graduated, passed the State Officer Certification Examination, and obtained employment when the scoring discrepancy was discovered. Petitioner brought the officers back when the scoring discrepancy was discovered, and both officers passed the end-of-course examinations that they had previously failed.

Petitioner stated that the two officers should not be penalized because the officers and the Petitioner believed that the officers passed the end-of-course examinations with their class. Petitioner stated that the officers at issue will suffer a substantial hardship if their scores are not recognized because they will not be considered to have passed the course until they retook the end-of-course examinations, which will result in impairment of their employment. Petitioner further stated that it would violate the principles of fairness to fail to recognize that the two officers and the Petitioner believed that the two officers passed the end-of-course examination with their basic recruit training class, 66-2011-502-6.

Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 15, April 13, 2012.

On May 10, 2012, pursuant to notice, at a meeting held in Naples, 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. These two officers took their end-of-course examinations for the basic recruit training. Both they and the Petitioner understood that they achieved passing scores. The officers were then permitted to graduate, pass the SOCE, and obtain employment prior to the discovery of a grading discrepancy on one of the end-of-course examinations which resulted in a recalculation of the officer's grades and the realization that the officers did not, in fact, pass the examination. After careful consideration of the facts in this matter, 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 32302 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on February 29, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Indialantic Police Department on behalf of Sergeant Theodore Baker for the 2006-2008 (7/1/06 – 6/30/08) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years under the supervision of a CJSTC-certified firearms instructor on a course of fire mandated by Commission rule.

The petition supported the requested waiver for Sergeant Baker by stating that he did, in fact, complete the mandatory firearms requalification retraining, however, he was supervised by a non-CJSTC-certified firearms instructor. The officer at issue is a CJSTC-certified firearms instructor. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 12, on March 23, 2012.

On May 10, 2012, pursuant to notice, at its regularly scheduled Business Agenda meeting held in Naples, 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 officer had, in fact, completed the Commission's course of fire and achieved passing scores. The only deficiency in Sergeant Baker's 2008 firearms requalification was to be supervised by a non-CJSTC-certified firearms instructor. 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 32302 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 18, 2012, the Suwannee River Water Management District, received a petition for variance and waiver from Richard and Rebecca Tenaglia, 1799 N.W. 82nd Terrace, Bell, FL 32619, pursuant to Section 120.542, F.S. Petitioner is seeking waiver/variance from subsection 40B-4.3030(9), F.A.C., as to the zero rise certification requirement, subsection 40B-4.3030(4), F.A.C., as to buildings elevated on piles with no use of fill one foot above 100-year flood elevation, and paragraph 40B-4.3020(1)(d), F.S., as to building plans prepared or submitted by Florida licensed engineer. Petitioner request these waivers and variance due to severe financial distress as a result of health related issues, in Gilchrist County, located in Township 8 South, Range 14 East, Section 19. These rules are intended to set forth criteria for development activities within a Work of the District. The petition has been assigned ERP Number 11-0039, R. Tenaglia District Floodway Project.

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

NOTICE IS HEREBY GIVEN that on May 18, 2012, the South Florida Water Management District (District), received a petition for waiver from CenturyLink for a Right of Way Occupancy Permit, Application No. 12-0514-1M, for utilization of Works or land of the District known as the C.R. 951 Canal, for a proposed aerial cable crossing located approximately 30' south of the centerline of The Lord's Way Bridge lying within Sections 14/15, Township 50 South, Range 26 East, Collier County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governing the minimum vertical clearance of aerial installations within Works or Land of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268 or email: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication 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, Attention: Juli Russell, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on April 26, 2012, the Agency for Health Care Administration, received a petition for Variance or Waiver from subsection 59A-1.005(35), Florida Administrative Code, from Eye Bank Association of America on behalf of Petitioners ALABAMA EYE BANK, FLORIDA LIONS EYE BANK, INTERNATIONAL SIGHT RESTORATION, INC., ROCKY MOUNTAIN LIONS EYE BANK, SIGHTLIFE, THE NORTH CAROLINA EYE BANK, INC., THE NATIONAL EYE BANK CENTER, and TISSUE BANKS INTERNATIONAL NATIONAL PROCESSING CENTER. The petition requests a variance of rule provisions requiring HTLV testing for donor tissue. The specific provision on which the waiver is sought is subparagraph 59A-1.005(35)(a)2., Florida Administrative Code. The Petitioner in its request seeks a permanent variance from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Lavers "A", filed February 22, 2012, and advertised in Vol. 38, No. 10, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 3.11.3, 2.7.4 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 and platform guards until March 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 2012-055).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Old Federal Courthouse Building, filed March 15, 2012, and advertised in Vol. 38, No. 14, 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 Rules 2.18.5.1 and 2.20.1 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 suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-089).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Palmer Catholic Academy Gym, filed March 15, 2012, and advertised in Vol. 38, No. 14, 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 Rules 2.18.5.1 and 2.20.1 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 suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-088).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Meadow Park Elementary, filed February 22, 2012, and advertised in Vol. 38, No. 10, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 2.18.5.1 and 2.20.1 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 suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-054).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Days Inn & Suites Mainsail, filed February 22, 2012, and advertised in Vol. 38, No. 10, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 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 August 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-060).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from IOA Properties, filed April 23, 2012, and advertised in Vol. 38, No. 18, 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 Rules 3.3.2 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 platform guards and restricted door openings until May 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 2012-124 & VW 2012-123).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from FAMU – Gore Educational Building, filed April 23, 2012, and advertised in Vol. 38, No.

18, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4 and 8.11.2.1.3(cc)1&3 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-122).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 199 Building, filed April 24, 2012, and advertised in Vol. 38, No. 18, 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 Rules 3.11.3, 2.7.4 and 3.11.1 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 upgrading the elevators for firefighters' emergency operations, restricted door openings and emergency communication until January 31, 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 2012-126).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Ybor Business Center, filed February 24, 2012, and advertised in Vol. 38, No. 10, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 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 2012-068).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Addison Condo, filed March 1, 2012, and advertised in Vol. 38, No. 11, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings 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 2012-072).

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 May 15, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from 3946 St. Johns Ave., filed March 12, 2012, and advertised in Vol. 38, No. 12, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until March 12, 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 2012-083).

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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Adventist Area 2, filed 3/23/2012, and

advertised in Vol. 38, No.15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, and 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm 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 2012-099).

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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Valencia at Lake Nona, filed 3/26/2012, and advertised in Vol. 38, No.15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4, and 8.11.2.1.3(cc)1&3 ASME A17.1b, 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 that suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-100).

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 May 22, 2012 the Division issued an order. The Final Order was in response to a Petition for Variance from Sea Haven Resort Condo, filed 3/20/2012, and advertised in Vol. 38, No. 14, 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 303.3d ASME A17.1a, 1982 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 providing a supply line shutoff valve in the machine room 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 2012-096).

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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Main Street Center, filed 4/2/2012, and advertised in Vol. 38, No. 15, 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 2012-107).

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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Wittner Centre Partners, filed 4/3/2012, and advertised in Vol. 38, No. 15, 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 October 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 2012-108).

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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Pope John XXIII, filed 3/7/2012, and advertised in Vol. 38, No. 12, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final

Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.1, 2.19.2(b) and 2.15.9.2(a) 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 that suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-077). 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 May 22, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from 204 West, filed January 9, 2012, and advertised in Vol. 38, No. 5, 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), 3.10.3, 3.11.1, 2.3.1, 2.3.3, 3.3.4.3(d) and 3.3.3 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, restricted door openings, electrical protective devices, top-of-car operating devices, car emergency signaling devices, access to pits, stop switch, sight guards, and hinged platform sills 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 2012-014).

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 May 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Kings Ave Parking Garage. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.27.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires car emergency signaling devices 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 2012-149).

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 May 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for St. Petersburg Masonic Lodge. 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 2012-148).

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 May 17, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Scanlon Lexus. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5.1 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 steel ropes of a minimum diameter of 9.5 mm and metallic sheaves and drums 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 2012-150).

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.

NOTICE IS HEREBY GIVEN that on May 20, 2012, the Florida 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 Amelia Island Plantation Hotel Rest. located in Fernandina Beach, 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 handwash sink new omelet station.

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

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

NOTICE IS HEREBY GIVEN that on May 21, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for First Lido Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires in-ground hydraulic cylinders be provide with a safety bulkhead 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 2012-154).

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.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on April 11, 2012, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from al Fresco located in Winter Garden, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

The Petition for this variance was published in Vol. 38, No. 17, April 27, 2012. The Order for this Petition was signed on May 14, 2012, 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 the public bathrooms located on the second floor are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and handwash sign and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed in the main restaurant area clearly stating the location of the bathrooms.

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.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on April 30, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from SFT Commissary located in Dania Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment for use by customers only.

The Petition for this variance was published in Vol. 38, No. 19 on May 11, 2012. The Order for this Petition was signed on May 17, 2012, 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 the bathrooms located within Digigraphics are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Digigraphics changes, an updated signed agreement for use of the bathroom facilities is required immediately.

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 May 22, 2012, 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 Twin Palms located in Boca Raton, 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 at the same location 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Bureau of Beaches and Coastal Systems, hereby gives notice of receipt of this petition was published in the Florida Administrative Weekly on May 6, 2011. The petition requested a variance from the conditions where construction of coastal armoring will be authorized under Rule 62B-33.0051, F.A.C., for construction of a coastal armoring structure on property located at 3143 North Oceanshore Blvd., Flagler Beach, FL. No public comment was received. The Order, file number FL-309 AR V, denied the Petition for a variance from Rule 62B-33.0051, F.A.C., because the Petitioner failed to demonstrate that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants. Further, the Petitioner failed to demonstrate that it fulfilled the requirements of the underlying statute by other means.

A copy of the Order or additional information may be obtained by contacting: Kamie Carney, Department of Environmental Protection, MS #300, 3900 Commonwealth Blvd., Florida 32399, (850)488-7708, kamie.carney@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on May 17, 2012, the Board of Medicine, received a petition for waiver or variance filed on behalf of Sajidkhan S. Pathan, M.D., from Rule 64B8-4.018, F.A.C., with regard to the requirement that the core clerkship rotation be completed at a hospital which at the time had a residency program accredited by the Accreditation Council for Graduate Medical Education. 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.

NOTICE IS HEREBY GIVEN that on May 16, 2012, the Board of Medicine, received a petition for waiver filed on behalf of Asok Kumar Sinha, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. 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.

The Board of Podiatric Medicine hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on February 14, 2012, by David Loiselle, D.P.M. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 8, of the February 24, 2012, Florida Administrative Weekly. The Petitioner sought a waiver or variance of Rule 64B18-17.001, F.A.C., entitled "Continuing Education Required for Licensure Renewal" with regard to allowing petitioner additional time to acquire the continuing education credits required for licensure renewal. The Board considered the instant Petition at a duly-noticed public meeting, held March 23, 2012, in Tampa, Florida.

The Board's Order, filed April 11, 2012, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 461.007, Florida Statutes, would be met by granting a variance or waiver from Rule 64B18-17.001, F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Podiatric Medicine hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on February 21, 2012, by Sheri Rosenthal, D.P.M. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 9, of the March 2, 2012, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 64B18-13.008(3), F.A.C., entitled "Procedure for Reactivation of Inactive Status to Active Status" which requires that no inactive license may be reactivated unless and until the licensee demonstrates the completion of forty (40) hours of approved continuing education for each biennium or part thereof of inactive status, and reports either the details of any disciplinary action that has been taken since the licensee's most recent renewal of active license or that no disciplinary action has been taken since the licensee's most recent renewal of active licensure. The Board considered the instant Petition at a duly-noticed public meeting, held March 23, 2012, in Tampa, Florida.

The Board's Order, filed April 11, 2012, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 461.008, Florida Statutes, would be met by granting a variance or waiver from subsection 64B18-13.008(3), F.A.C. The Board further found that

Petitioner established that applying the requirements of the aforementioned rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Psychology hereby gives notice that on May 17, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Rosamari Pena, Psy.D., on February 28, 2012, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirements of the rule regarding appropriate supervised experience. The Notice was published in Vol. 38, No. 11, of the Florida Administrative Weekly, on March 16, 2012. The Board, at its meeting held on April 20, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on February 20, 2012, the Department of Children and Families, received a petition for waiver of Rule 65C-13.030, Florida Administrative Code, from Children's Home Society and Marcia Richardson and Erica Harris. Rule 65C-13.030, F.A.C., states there should be no more than five children in a licensed home, including the family's own children. There shall be no more than two children under the age of two years in home, including the licensed out-of-home caregiver's children.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Building 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity hereby gives notice: NAME OF PETITIONER: City of Wildwood

DATE PETITION WAS FILED: March 30, 2012. It was assigned the number DEO-12-036.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Paragraph 9B-43.0041(1)(c), F.A.C., which was transferred to paragraph 73C-23.0041(1)(c), F.A.C. Requesting a waiver of the

\$700,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 38, No. 15, April 13, 2012, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: May 18, 2012.

THE GENERAL BASIS FOR THE AGENCY DECISION: Because the statutory basis for the cap was repealed, there was no authority to enforce the rule. Waiving the limit to allow greater grant amounts encourages economic development and the underlying purpose of the statute.

A copy of the Order or additional information may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128, e-mail: miriam.snipes@deo.myflorida.com.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Directors, Executive Committee of the **Friends of the State Library and Archives** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 25, 2012, 8:15 a.m.

PLACE: R.A. Gray Building, Third Floor, Room 306B, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors/Executive Committee of the Friends will review and discuss the Friends' budget and resolutions to support the mission of the Friends.

A copy of the agenda may be obtained by contacting: Judith A. Ring, (850)245-6600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Judith A. Ring, (850)245-6600. 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.