

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 14, 2012, the South Florida Water Management District, received a petition for Variance (Application 120514-20) from Minnie Grubbe (Grubbe Residence), 775 Milan Court, Marco Island, FL 34145. The property is located in Collier County, Section 8, Township 52 South, Range 26 East. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District’s website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. 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, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact: Patrick Martin, (561)682-2176 or e-mail: pmartin@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on May 14, 2012, the South Florida Water Management District, received a petition for Variance (Application 120514-21) from Carl Thieme (Thieme Residence), 459 Nassau Court, Marco Island, FL 34145. The property is located in Collier County, Section 16, Township 52 South, Range 26 East. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District’s website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. 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, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact: Patrick Martin, (561)682-2176, e-mail: pmartin@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on May 14, 2012, the South Florida Water Management District, received a petition for Variance (Application 120514-22) from Ellen McKinney (McKinney-Kuhn Residence), 1660 Galleon Court, Marco Island, FL 34145. The property is located in Collier County, Section 16, Township 52 South, Range 26 East. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District’s website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. 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, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact: Patrick Martin, (561)682-2176, e-mail: pmartin@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on May 14, 2012, the South Florida Water Management District, received a petition for Variance (Application 120514-23) from James and Sheryl Pepicello (Pepicello Residence), 12540 Oak Bend Drive, Ft. Myers, FL 33905. The property is located in Lee County, Section 31, Township 43 South, Range 26 East. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District’s website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. 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, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact: Patrick Martin, (561)682-2176, e-mail: pmartin@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 7, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received

a petition for Plaza Center. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-183).

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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from First Lido Condominium, filed May 21, 2012, and advertised in Vol. 38, No. 22, 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 8.6.5.8 ASME A17.1, 2004 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 from the requirement for a safety bulkhead on the bottom of the hydraulic jack until May 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 2012-154).

A copy of the Order or additional information 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 June 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from St. Petersburg Masonic Lodge, filed May 16, 2012, and advertised in Vol. 38, No. 22, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-148).

A copy of the Order or additional information 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 June 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Scanlon Lexus, filed May 17, 2012, and advertised in Vol. 38, No. 22, 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, 2.24.2.1, and 2.18.5.1, ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators from the use of a 9.5 mm steel rope and requirement of 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 2012-150).

A copy of the Order or additional information 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 June 6, 2012, the Department received a letter withdrawing the Petition for variance from Fifth Third Bank, filed November 4, 2011, and advertised in Vol. 37, No. 47, of the Florida Administrative Weekly. The Petition for variance requested a variance from, unknown rules of the elevator section code. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2011-374).

A copy of the Order or additional information 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 May 20, 2012, the 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 Restaurant 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 omelet station handwash sink.

The Petition for this variance was published in Vol. 38, No. 22 on June 1, 2012. The Order for this Petition was signed on June 7, 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 wastewater holding tank for the omelet station handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure; and equipped with soap, approved hand drying device and a handwashing sign.

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 June 6, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code from Cafe' Verde located in New Smyrna Beach. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to utilize a mopsink located within another licensed establishment under the same ownership.

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 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 June 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Century Plaza. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14

days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-189).

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 June 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Safety Harbor Resort & Spa. 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 2012-190).

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 June 7, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Silver Beach Club. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.9.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators normal terminal stopping devices 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 2012-188).

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 June 1, 2012, the Construction Industry Licensing Board, received a petition for The Petitioner is seeking a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Bureau of Beaches and Coastal Systems hereby gives notice that it issued an order on April 13, 2012, denying a variance request by Eleanor Sines. The Department received the variance petition on April 8, 2011. Notice of receipt of this petition was published in the Florida Administrative Weekly on May 6, 2011. The petition requested a variance from Rule 62B-33.0051, F.A.C., which sets forth the conditions where coastal armoring will be authorized. The variance is related to a permit application to construct 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, Eleanor Sines, failed to demonstrate that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner significantly different 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 June 6, 2012, the Board of Medicine, received a petition for variance filed by Gholam A. Peyman, 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 Medicine hereby gives notice that the Petition for Waiver or Variance filed by Terence R. Mahoney, M.D., has been withdrawn, upon request of the Petitioner. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 19, of the May 11, 2012, issue of the F.A.W.

The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN that on May 29, 2012, the Board of Physical Therapy Practice, received a petition for Shaan Shahnaz Ahmad Rather, seeking a variance or waiver of subsection 64B17-3.001(3), F.A.C., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

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

NOTICE IS HEREBY GIVEN that on June 8, 2012, the Board of Physical Therapy Practice, received a petition for Andre Costa Queiroz, seeking a variance or waiver of subsection 64B17-3.001(3), F.A.C., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

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

NOTICE IS HEREBY GIVEN that on June 5, 2012, the Department of Health, received a petition for emergency waiver from Bruce Stowe, representing Roth Global Plastics, Inc. Specifically, the petitioner seeks a waiver of paragraph 64E-6.013(2)(a), Florida Administrative Code, which requires all receptacle stiffening members such as ribs to be a homogenous integral part of the structure. Comments on this petition may be submitted to the Agency Clerk, at the address below, within five days of the publication date of this notice

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity hereby gives notice:
NAME OF PETITIONER: City of Marianna
DATE PETITION WAS FILED: April 27, 2012. It was assigned the number DEO-11-041.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Paragraph 9B-43.0041(1)(c), F.A.C. (now paragraph 73C-23.004(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. 19, May 11, 2012, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 5, 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 LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following telephone conference meetings which all persons are invited to attend:

STRATEGIC AND OPERATIONS PLANNING TELECONFERENCES

DATE AND TIME: July 2, 2012, 10:00 a.m. – 11:00 a.m.

Toll Free Dial in Number: 1(888)670-3525

Participant Code: 2473154911

DATE AND TIME: July 9, 2012, 10:00 a.m. – 11:00 a.m.

Toll Free Dial in Number: 1(888)670-3525

Participant Code: 2473154911

DATE AND TIME: July 16, 2012, 10:00 a.m. – 11:00 a.m.

Toll Free Dial in Number: 1(888)670-3525

Participant Code: 2473154911

DATE AND TIME: July 30, 2012, 10:00 a.m. – 11:00 a.m.

Toll Free Dial in Number: 1(888)670-3525

Participant Code: 2473154911

Please be advised that meetings & meeting rooms maybe subject to change. For updates please visit <http://www.cssbmb.com>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. 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).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF CONSUMER SERVICES

The **Division of Aquaculture** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2012, 6:00 p.m.

PLACE: Cedar Key Community Center, 809 6th Street, Cedar Key, FL 32625

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public discussion regarding proposed expansion of availability of State-owned submerged land for shellfish aquaculture.

A copy of the agenda may be obtained by contacting: Kal Knickerbocker, 1203 Governor's Square Boulevard, Suite 501, Tallahassee, FL 32301-2961, (850)488-5471.

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 days before the workshop/meeting by contacting: Kal Knickerbocker, (850)488-5471. 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).

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** (Re-Advertisement) announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 9, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Division of Vocational Rehabilitation (DVR), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any interested parties that need further information may contact: The FRC, (850)245-3397.