

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on May 18, 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 Town of South Palm Beach Police Department on behalf of Officer Buffalino. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that Officer Buffalino did successfully complete the course of fire, however, the instructor who supervised the mandatory shoot was not fully certified as a CJSTC firearms instructor at the time of the officer's requalification. 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 affected by this situation did successfully complete the requirement simply because the instructor had failed to comply with all administrative aspects of firearms instructor certification.

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.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On May 18, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by the Town of South Palm Beach Police Department on behalf of Officer Buffalino for the 2008-2010 firearms requalification period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 22 on June 3, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, 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 Buffalino had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officer's firearms requalification was that the firearms instructor who conducted the mandatory firearms

requalification for Petitioner's officer had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised Officer Buffalino's requalification shoot. Further, the Petitioner ensured that Officer Buffalino completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor prior to presenting the rule waiver to the Commission. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On May 10, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(12), F.A.C., by David E. Needs. Subsection 11B-27.00212(12), F.A.C., requires officers to be employed within four years of a separation from employment or they must demonstrate competencies in the high liability disciplines and pass the State Officer Certification Examination. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 20 on May 20, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, 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 has been caring for a dying parent and a child stricken with cancer since his retirement four years ago. Further, the Petitioner has attempted to become employed as a reserve officer with several agencies in his area only to be told that budget constraints prevent any hiring at this time. The Petitioner has completed his 40 hours of mandatory retraining at his own expense. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by the City of Oak Hill Police Department on behalf of seven officers for the 2010 firearms requalification period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 17 on April 29, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. Further, the Petitioner ensured that its seven officers completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor within 24 hours of discovering the deficiency. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by the City of Riviera Beach Police Department on behalf of 127 officers for the 2008-2010 firearms requalification 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. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 17 on April 29, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, 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 127 officers had, in fact, completed the Commission's course of

fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructors who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming CJSTC certified firearms instructors on the date they supervised the requalification shoots. Further, the Petitioner ensured that its officers completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor shortly after discovering the deficiency. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On April 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., by the City of Ocean Ridge Police Department on behalf of 24 officers for the 2008 and 2010 firearms requalification 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. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 16 on April 22, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was that the firearms instructor who conducted the mandatory firearms requalifications for Petitioner's officers had not complied with all administrative aspects of becoming a CJSTC certified firearms instructor on the date he supervised the requalification shoots. Further, the Petitioner ensured that its 24 officers completed a successful re-shoot of the proper course of fire under a fully certified firearms instructor immediately after discovering the deficiency. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

The Criminal Justice Standards and Training Commission hereby gives notice that on May 19, 2011, the Criminal Justice Standards and Training Commission has issued an order.

On April 19, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., by Daniel Hauck. Paragraph 11B-35.001(9)(b), F.A.C., requires officers to achieve a passing score of 80% in Commission-approved Advanced and Specified Specialized Training Program courses. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 20 on May 20, 2011.

On May 19, 2011, at its regularly scheduled business agenda meeting held in Ocala, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The Petitioner had, in fact, achieved a passing score under the old rule which was changed during the time the Petitioner was enrolled in the course at issue. This scenario is unlikely to be repeatable for officers subject to the operation of this rule because there are very few courses that were in progress at the exact time the rule regulating passing scores was changed. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission granted the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 12, 2011, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 110512-18) from the City of Fort Myers, 2200 Second Street, Fort Myers, FL 33902, for a project known as Fort Myers Riverfront Development, located in Lee County, Section 13, Township 44 South, Range 24 East. The petition seeks relief from Section 6.4 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, effective July 4, 2010, which is incorporated by reference in Rule 40E-4.091, F.A.C., pertaining to flood protection of building floors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Water Resource Regulation Department, during the normal business hours of 8:00 a.m. to 5:00 p.m.,

Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406 by telephone at (561)682-6911 by e-mail at permits@sfwmd.gov; or, by accessing the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

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: Dan Waters, (239)338-2929, x7763, or e-mail dwaters@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on May 16, 2011, the South Florida Water Management District ("District"), received a petition for waiver from Florida Department of Transportation (FDOT), Application Number 11-0105-2, for the replacement of existing traffic signals within Works or Lands of the District known as the C-4 Canal; Sections 4-5, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4) & (6), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within forty feet of the top of the canal bank and within the District's 100' equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268 or email at jurussel@sfwmd.gov.

The District will accept comments concerning the petition received by 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 18, 2011, 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 Chocondue Express located in Coral Springs. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

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.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on April 28, 2011 the Department received a Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Taqueria Chazumba located in Clearwater. The above referenced F.A.C. addresses the requirements that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business for customer use only.

The Petition was published in Vol. 37, No. 19 on May 13, 2011. The Order for this Petition was signed on May 19, 2011 and the bathrooms located within the El Amir of Tampa Coin Laundry 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 El Amir of Tampa Coin Laundry 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.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on May 2, 2011, the Department received a Petition for an Emergency Variance for subsection 61C-4.010(6), Florida Administrative Code and Section 6-201.18, 2001 FDA Food Code, Paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Tea & Wine Loft LLC located in Ft. Myers. The above referenced F.A.C. addresses the requirement that studs, joists and rafters may not be exposed in areas subject to moisture and that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to operate with exposed studs, joists or rafters in food preparation areas and utilize bathrooms for customers and employees located on a different level.

The Petition was published in Vol. 37, No. 19 on May 13, 2011. The Order for this Petition was signed on May 19, 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 the public bathrooms located on the first level are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within the establishment clearly stating the location of the bathrooms. Petitioner shall also maintain a routine cleaning regimen to preclude the accumulation of dust, dirt or other debris on the ceiling that could cross contaminate food or food-contact surfaces and shall notify the Division immediately if the ownership or operation of this establishment changes.

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 20, 2011, 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, Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, from Palm Beach Zoo Dippin' Dots located in West Palm Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater and that food must be properly stored in a licensed establishment. They are requesting to install potable and wastewater holding tanks at the three-compartment and handwash sinks and share the food storage area located within another nearby 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 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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Diversified Yacht Services. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1)&(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 suspension and governor ropes be no less than 9.5mm 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 2011-171).

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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Kress Building. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.18.5.1, 2.20.1 and 2.15.9, 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, that governor ropes be no less than 9.5 mm and 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 2011-172).

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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Embassy Suites. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a coated steel belt 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 2011-173).

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 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Inlet Plaza. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators

with firefighters' emergency operations and restricted door openings 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 2011-174).

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 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for U-Haul. 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 2011-176).

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 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Atrium Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-178).

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 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Regions Bank. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency

operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-179).

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

The Division of Pari-Mutuel Wagering, Department of Business & Professional Regulation, hereby gives notice:

On May 12, 2011, it issued a final order in response to a petition for variance from PPI, Inc., d/b/a/ The Isle Casino & Racing at Pompano Park, Petitioner, filed February 2, 2011, and advertised in Vol. 37, No. 7, of the Florida Administrative Weekly – DBPR Case No. 2011005602 (VW 2011-038).

The final order grants Petitioner, and Intervenor West Flagler Associates, Ltd., and Gulfstream Park Racing Association, Inc., a variance from subsection 61D-14.073(1), F.A.C., that requires Florida licensed slot machine facilities each month to manually read all slot machine meters referenced in subsections 61D-14.042(1)-(2), F.A.C., and reconcile those readings with the information in their facility based monitoring system (FBMS). Specifically, it allows Petitioner and Intervenor to conform their practices to proposed amended subsection 61D-14.073(1), F.A.C., that would require Florida licensed slot machine facilities to record 25% of their slot machine meters each quarter and reconcile them with information in their FBMS. Notice of adoption of proposed subsection 61D-14.073(1), F.A.C., (together with eleven other slot machine proposed rules) was published on October 22, 2010, in Vol. 36, No. 42, of the Florida Administrative Weekly. A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Business & Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, phone: (850)921-0342.

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Suman Juluru, filed on November 15, 2010. The Notice of Petition for Variance or Waiver was published in Vol. 37, No. 3, of the January 21, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 20, 2011. The Petition requested a Variance or Waiver of subsection 61G15-20.007(1), Florida Administrative Code, 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's Order, filed on May 13, 2011, denies the Petition for Variance or Waiver of Rule 61G15-20.007, Florida Administrative Code. The Board found that the Petitioner has

not shown that the principles of fairness will be violated by the application of the rule or how Petitioner would suffer a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268.

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Juan Lapica, filed on February 10, 2011. The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 9, of the March 4, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting by telephone conference held on March 25, 2011. The Petition requested the Boards interpretation of Sections 471.023(1), 608.4235, 608.4236, 621.04, 621.09(1), (2) and 321.14, Florida Statutes, with respect to the qualifications for certification of business organizations to practice, or offer to practice engineering by licensees, or offering engineering services to the public; who qualifies as an agency member, manager, or managing member of a limited liability company; who qualifies to delegate the rights and powers to manage a limited liability company; exemptions of permitted to form a corporation or limited liability company and perform person services to the public by the means of a corporation or limited liability company; and the limitations on issuance and transfer of ownership of a limited liability company.

The Board's Order, filed on May 13, 2011, denies the Petition for Declaratory Statement. The Petitioner seeks the Board's interpretation of statutory provision in Chapters 608 and 621, Florida Statutes. The Board does not have authority for interpretation of these provisions.

A copy of the Order or additional information may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on March 1, 2011, by Angel Famiglietti. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 10, of the March 11, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on March 1, 2011, by David Cederquist. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 10, of the March 11, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of an Order regarding the Petition for Variance, filed on February 7, 2011, by Carlos Alvarez. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 8, of the February 25, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 14, 2011, by Stacy Louise Fretina. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 5, of the February 4, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 21, 2011, by Sunny Tyner. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 9, of the March 4, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 1, 2011, by Thomas Ciserano. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 8, of the February 25, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 15, 2011, by Ruben Martinez. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 9, of the March 4, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 17, 2011, by Jeremy Shad Hennen. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 9, of the March 4, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on March 29, 2011, in Orlando, Florida.

The Board's Order, filed on May 17, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule 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: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on April 21, 2011, the Department of Environmental Protection, received a petition for NASA Seawater Immersion Facility (SWIF), seeking a variance from subsection 62-520.420(1), F.A.C., to allow for the exceedance of the primary and secondary drinking water standards for sulfate, sodium, and chloride in the ground water at the Kennedy Space Center SWIF. The maximum contaminant level (MCL) for sodium is 160 mg/L. The requested variance limit for sodium is 13,553 mg/L. The secondary maximum contaminant level (SCML) for chloride

and sulfate is 250 mg/L. The requested variance limit for chloride and sulfate is 24,329 mg/L and 3,409 mg/L, respectively. The petition has been assigned OGC File No. 11-0761.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anil Desai, Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, #232, Orlando, Florida 32803-3767, telephone (407)893-3305. Written comments must be received by Anil Desai at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on May 23, 2011, the Board of Clinical Laboratory Personnel, received a petition for Anna-Kay McKnight Matos. Petitioner is seeking a variance or waiver of paragraph 64B3-5.003(3)(b), Option 1, Florida Administrative Code, which sets forth the requirements for a specialty licensure as a technologist in blood banking (donor processing).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on May 16, 2011, the Board of Massage Therapy, received a petition for waiver or variance from Milagros Ibarra, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., regarding Continuing Education.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Jusevitch, Executive Director, at the above-referenced address or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN that on May 12, 2011, the Board of Optometry, received a petition for waiver or variance filed by Janelle Routhier, O.D., from subsection 64B13-4.001(2), F.A.C., with regard to the licensure requirement of subsection 64B13-4.001(2), F.A.C., that applicants submit scores on the national licensing exam taken no longer than 5 years prior to application. Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. The Board will address this petition at its July 8, 2011 meeting.

Comments on this petition should be filed with the Board of Optometry within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, at the above address or telephone (850)245-4620.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on May 16, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Manasota SOLVE maternity homes and Peggy Kerwin, assigned Case No. 11-016W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

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

NOTICE IS HEREBY GIVEN that on May 17, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Unity House, assigned Case No. 11-018W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

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

NOTICE IS HEREBY GIVEN that on May 17, 2011, the Department of Children and Families, received a petition for waiver subsection 65C-15.017(3), Florida Administrative Code, from Children's Home Society of Florida and Yolanda Demont, assigned Case No. 11-019W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation hereby gives notice of the entry of a Withdrawal for Waiver or Variance.

NAME OF THE PETITIONER: WINCHESTER GARDENS PRESERVATION, LP

DATE PETITION WAS FILED: April 27, 2011
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 67-48.020(3), F.A.C., which deals with the terms and conditions of loans for HOME rental developments.
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 13, 2011, Vol. 37, No. 19.
 THE DATE THE WAIVER WAS WITHDRAWN: May 18, 2011.

A copy of the Order or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Bureau of Historic Preservation**, Friends of Florida Main Street announces a public meeting to which all persons are invited.

DATE AND TIME: June 17, 2011, 10:00 a.m.
 PLACE: Main Street Fort Pierce, 122 A.E. Backus Avenue, Fort Pierce, Florida 34950
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the organization.

A copy of the agenda may be obtained by contacting: Joan Jefferson, Florida Main Street Coordinator, Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

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: Joan Jefferson, 1(800)847-7278. 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: Joan Jefferson, 1(800)847-7278.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Seed Technical Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 17, 2011, 3:15 p.m. – 5:00 p.m.
 PLACE: Pink Shell Beach Resort and Spa, 275 Estero Boulevard, Fort Myers Beach, Florida 33931, 1(888)222-7465
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relevant to the Florida Seed Regulatory Program.

For more information, you may contact: Mr. George Hayslip, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, (850)617-7854, email: George.Hayslip@freshfromflorida.com.

The **Citrus Research and Development Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 16, 2011, 1:30 p.m. (Eastern Time)

PLACE: Captiva Room A, Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, Florida. Those unable to attend in person may conference by dialing 1(800)615-2900 and entering participant code 393338# when prompted to connect to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss and set the assessment rate for the upcoming 2011- 2012 season.

A copy of the agenda may be obtained by contacting: Audrey Nowicki at (863)956-5894 or anowicki@citrusrdf.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Foundation at least 72 hours before the meeting by contacting: Audrey Nowicki at (863)956-5894 or anowicki@citrusrdf.org.

DEPARTMENT OF EDUCATION

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

DATE AND TIME: June 22, 2011, 9:30 a.m. – 11:30 a.m.
 PLACE: VR Headquarters, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting.

Any interested parties that need further information may contact: Paige Sharpton at (850)245-3397.

For appeal process see Section 286.0105, Florida Statutes. Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted: www.rehabworks.org at least seven days before the