

The Notice of Proposed Rule referenced incorrect information regarding the Summary of Statement of Estimated Regulatory Costs. The summary has been corrected to read as follows:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency.

## Section IV Emergency Rules

### STATE BOARD OF ADMINISTRATION

**RULE NO.:** 19ER11-2  
**RULE TITLE:** Reimbursement Contract

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Emergency Rule 19ER11-2 (19-8.010), Reimbursement Contract, implements statutory changes made by CS/CS/CS/SB 408. Specifically, this legislation changes the definition of “losses” which are reimbursable by the Florida Hurricane Catastrophe Fund (FHCF) and makes these changes effective for the 2011/2012 Contract Year which began on June 1, 2011. Therefore, time is of the essence in getting the incorporated forms amended and in effect as soon as possible.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Hurricane Season began on June 1st and using the emergency rule process is the only way to implement the new legislation immediately. The emergency rule was authorized at a published meeting open to the public and is posted to the FHCF’s website.

**SUMMARY:** The legislation changes the definition of “losses”, effective for the 2011/2012 Contract Year. Losses now covered by the FHCF are “all incurred losses under covered policies....” New language specifically includes “amounts paid as fees on behalf of or inuring to the benefit of a policyholder.” New language specifically excludes losses under liability coverages, property losses that are proximately caused by any peril other than a covered event, amounts paid as the result of a voluntary expansion of coverage by the insurer, amounts paid to reimburse a policyholder for condominium association or homeowners’ association loss assessments, bad faith awards, punitive damage awards, other court-imposed fines, sanctions, or penalties, amounts in excess of the coverage limits under the covered policy and allocated or unallocated loss adjustment expenses.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

19ER11-2 (19-8.010) Reimbursement Contract.

(1) through (16) No change.

(17) The reimbursement contract for the 2011-2012 contract year, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2011K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11 ~~04/11~~, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.

(18) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 6-17-11.

**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:** June 17, 2011

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

**NAME OF PETITIONER:** City of Clewiston

**DATE PETITION WAS FILED:** April 22, 2011. It was assigned the number DCA11-WAI-079.

**THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH A VARIANCE OR WAIVER IS SOUGHT:** Paragraph 9B-43.0041(2)(d), F.A.C., states that eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for a CDBG subgrant.

**A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION:** Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

**THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER:** June 16, 2011

**THE GENERAL BASIS FOR THE AGENCY DECISION:** Waiver of the rules furthers a stated purpose of the Small Cities Community Development Block Grant program: to provide

activities to improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income. Waivers also avoid imposition of a substantial hardship on the city.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: Lake County (Lake May Reserve Property)

DATE PETITION WAS FILED: April 22, 2011. It was assigned the number DCA11-WAI-076.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: City of Tamarac (Tamarac Reclamation Park)

DATE PETITION WAS FILED: April 22, 2011. It was assigned the number DCA11-WAI-080.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: Hillsborough County (Lake Dan Preserve)

DATE PETITION WAS FILED: May 2, 2011. It was assigned the number DCA11-WAI-082.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has

acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 13, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

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The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: Town of Bay Harbor Islands.

DATE PETITION WAS FILED: May 2, 2011. It was assigned the number DCA11-WAI-083.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 13, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

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The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: Indian River County (Sebastian Harbor Preserve)

DATE PETITION WAS FILED: May 2, 2011. It was assigned the number DCA11-WAI-084.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: Pinellas County (Brooker Creek Preserve Wilde Lands Acquisition & Recreation Area)

DATE PETITION WAS FILED: May 2, 2011

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subsection 9K-7.003(9), Florida Administrative Code, states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Florida Administrative Code, states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 19, May 13, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: The Department found the Petitioner had satisfied the substantial hardship provision of Section 120.542(2), F.S. A strict application of subsections 9K-7.007(1) and 9K-7.003(9), F.A.C., would create an economic hardship to the Petitioner and violate the principle of fairness. Based upon the facts presented, the Department decided to grant a temporary waiver of the above mentioned rules.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

#### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on June 20, 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 Oakland Police Department. The rule requires officers to requalify with a firearm every two

years on a course of fire mandated by Commission rule and administered by Commission-certified firearms instructors. The petition supports the requested waiver by stating that the officers for whom the waiver is sought did successfully complete the course of fire, however, the instructors who supervised the mandatory shoots were not fully certified as a CJSTC firearms instructors at the time of the officers' requalifications. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors 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.

#### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 21, 2011, the Suwannee River Water Management District, received a petition for variance from Sonja Graham, 997 S.W. Santa Fe Drive, Fort White, FL 32038, pursuant to Section 120.542, F.S. Petitioner is seeking variance from subsection 40B-4.3030(5), F.A.C., as to the area below the first floor of elevated building left clear and unobstructed except for piles and stairways. Petitioner proposes to construct a building with an enclosed lower floor +/- 2.5 feet below the 100-year flood elevation, in Columbia County, in Township 7 South, Range 15 East, Section 1. These rules are intended to set forth criteria for development activities within a Work of the District. The petition has been assigned ERP Number 11-0109, S. Graham District Floodway Project – Three Rivers Estates Lots 58 & 59. 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 June 15, 2011, the St. Johns River Water Management District, received a petition for modification of a granted variance from the St. Augustine Airport Authority. On November 2, 2010, pursuant to Section 373.414(17), F.S., the airport was granted a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 40-109-28307-40, to construct an Approach Lighting System in salt marsh at the end of Runway 13-31 in an area of 800 ft. by 35 ft. The Approach Lighting System is to

be constructed directly in the Tolomato River, which is classified by the Department of Agriculture and Consumer Services as conditionally restricted for shellfish harvesting, and the rules do not authorize construction and operation of the Approach Lighting System in such classified waters. Since the variance and associated Environmental Resource Permit were granted by the District, the Federal Aviation Administration (FAA) has informed the airport that it had to install more lighting than was contemplated when the variance and associated permit were granted. In order to meet the FAA requirements, the airport must seek a modification of the variance to the rules and Applicant Handbook provisions for an additional 600 ft. by 35 ft. area. The petition to modify the variance has been assigned F.O.R. Number 2011-23. Comments on this petition should be filed with: Sandra Bertram, Acting District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Vance Kidder, Assistant General Counsel, at the same address, or by telephone at (386)329-4199.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On June 15, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Inlet Plaza, filed May 18, 2011, and advertised in Vol. 37, 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 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, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-174).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On June 15, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from U-Haul, filed May 20, 2011, and advertised in Vol. 37, 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 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-176).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On June 15, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Regions Bank, filed May 23, 2011, and advertised in Vol. 37, 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 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 2011-179).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On June 15, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Tampa General Hospital, filed May 26, 2011, and advertised in Vol. 37, No. 23, issue of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Section 399.15, Florida Statutes, that requires regional emergency elevator access because the Petitioner has requested a variance of statute, which the agency has no statutory authority to grant (VW 2011-181).

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

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NOTICE IS HEREBY GIVEN that on June 13, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Yacht Haven Condo Assoc. Petitioner seeks a

variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-204).

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 15, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for John R. Kelly Generating Station. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 3.11.1 and 2.3.1 and of ASME A17.1, Section 111.5 and 101.1a, 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, emergency communication, access to pits, restricted door openings and regulates the fire-resistive construction of all aspects of elevator housing and operation 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 2011-206).

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 15, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Gulf Towers. Petitioner seeks a 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 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-207).

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 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Fire & Rescue Headquarters. 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 2011-209).

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 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Police Administration Building. 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 2011-210 & VW 2011-211).

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 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Duval County Courthouse. 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 2011-212).

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

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NOTICE IS HEREBY GIVEN that on June 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Fleur De Lis Condo Assoc. 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 2011-213).

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

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on May 18, 2011, the Department 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, Coral Springs, FL. 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 Petition was published in Vol. 37, No. 22, June 3, 2011. The Order for this Petition was signed on June 10, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash and three-compartment sink are 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, soap, an 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.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on May 20, 2011, the Department 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, West Palm Beach, FL. 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 Petition was published in Vol. 37, No. 22, June 3, 2011. The Order for this Petition was signed on June 10, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash and three-compartment sinks are 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, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the storage area located within Tropics Café (license number SEA6013501) is kept clean and stored food may not be exposed to splash, dust, or other contamination. If the ownership of Tropics Café changes, a signed agreement for the shared use of this establishment must be provided to the Division 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.

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NOTICE IS HEREBY GIVEN that on June 17, 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 Yogulala, Cutler Bay, FL. 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 at the 3-compartment and handwashing sink.

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.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on May 24, 2011, the Department received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Your Family Catering, Brooksville, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 37, No. 23, June 10, 2011. The Order for this Petition was signed on June 16, 2011 and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

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NOTICE IS HEREBY GIVEN that on June 13, 2011, the Division of Pari-Mutuel Wagering, Department of Business & Professional Regulation, received a petition for variance from Hartman and Tyner, Inc., d/b/a Mardi Gras Racetrack & Gaming Center, Petitioner, DBPR Case No. 2011030307 (VW 2011-203). Petitioner is a pari-mutuel slot machine gaming facility licensed pursuant to Chapter 551, Florida Statutes, whose address is 831 North Federal Highway, Hallandale, Florida 33009. The Petition lists Rule 61D-14.073, Florida Administrative Code (F.A.C.), from which it seeks a variance. Specifically, Petitioner requests a variance from subsection 61D-14.073(1), F.A.C., that requires every Florida licensed slot machine facility to monthly manually read all slot machine meters referenced in subsections 61D-14.042(1), (2), F.A.C., and reconcile those readings with the information on the facility based monitoring system (FBMS). Petitioner requests a variance to conform its practices to proposed amended subsection 61D-14.073(1), F.A.C., which would require each licensed slot machine facility to record 25% of its slot machine meters each quarter and reconcile them with information in its FBMS. Notice of adoption of proposed subsection 61D-14.073(1), F.A.C. (together with 11 other slot machine proposed rules), was published on October 22, 2010, in Vol. 36, No. 42, Florida Administrative Weekly (F.A.W.). Petitioner requests a variance because monthly meter readings cause a substantial hardship and quarterly meter readings in accordance with the proposed rule will nevertheless accomplish the public purpose behind Section 551.103(1)(d), Florida Statutes. Petitioner also requests that the variance be temporary only until proposed subsection 61D-14.073(1), F.A.C. becomes final. Any person whose substantial interests may be affected by a variance on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

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

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NOTICE IS HEREBY GIVEN that on June 7, 2011, the Board of Architecture and Interior Design, received a petition for Jennifer Wood, seeking a variance or waiver of subsection 61G1-22.002(1), Florida Administrative Code, which requires that applicants for licensure obtain the diversified interior design experience required by Section 481.209(2), F.S., with a registered interior designer (any state) or registered architect (any state) performing interior design services, unlicensed interior designer (outside of Florida) who has passed the



NCIDQ (National Council for Interior Design Qualification) or the AID (American Institute of Designers) examination, or unlicensed interior designer (outside of Florida) who would have met the six-year experience grandfather requirement of Section 21, Chapter 88-383, Laws of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on May 27, 2011, the Board of Accountancy, received a petition for Melanie A. Humlicek, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The experience must either average at least twenty (20) hours a week over no more than one hundred and four (104) weeks or average no more than forty (40) hours a week over no more than fifty-two (52) weeks. Reasonable vacation time and sick leave or other required absences may be permitted. The supervisor, in her or his report to the Department, shall certify that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees for a minimum of 2,000 hours gained over a period of not less than fifty-two (52) or more than one hundred and four (104) weeks. The sequence of the experience is considered immaterial, that is, whether the experience was secured before or after taking the examination, or partly before the examination and partly after the examination, provided the two periods combined equal at least one year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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

The Department of Environmental Protection hereby gives notice that on June 1, 2011, the Department of Environmental Protection has issued an order. The order is for the City of Hollywood variance petition (OGC File No. 11-0179), received on January 14, 2011. The petition requested a variance from the prohibition of construction of a Class I UIC well within a 500 foot radial distance of a public water supply

well (subsection 62-521.200(7) and paragraph 62-521.400(1)(f), F.A.C.). Specifically, the variance requested that Class I injection well IW-1 be allowed to be constructed within 500 feet of Hollywood public water supply well F-2. Notice of receipt of this petition was published in the Florida Administrative Weekly, on February 18, 2011. No public comment was received. The final order granted a variance to allow Class I injection well IW-1 to be constructed within 307 feet of well F-2 because the petitioner demonstrated a substantial hardship and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The conditions require that: (a) Four shallow pad monitor wells in the vicinity of the injection well shall be sampled weekly during the construction of IW-1 to monitor for any changes in water quality; (b) The four shallow pad monitor wells shall be sampled before beginning construction of injection well IW-1. These background analyses must be submitted for Department approval before work begins; (c) Ground water samples from well F-2 and monitor well F-1 will be sampled before construction begins, at the completion of well IW-1, and at the completion of monitor well DZMW-1; (d) Throughout the injection well system construction and testing phase, all of the required monitoring data shall be tabulated and graphed on a weekly basis for inclusion into progress reports submitted to the Department. If elevated (greater than background) chloride concentration is detected in the shallow pad monitor wells, or a significant change in chloride is detected during the injection well system construction or testing phase, an assessment plan shall be submitted for Department review and approval, to address whether the changed water quality conditions have occurred because of activities during well construction. If the Department determines that the changed water quality conditions are attributable to activities during well construction, a report shall be submitted to the Department to address appropriate remediation measures (if any); (e) After the injection well system is complete, the shallow pad monitor wells shall be monitored monthly during operational testing and quarterly once an operation permit is issued; and (f) An industry standard pad will be constructed around the well using concrete or steel. This pad shall be designed and constructed to hold all drilling equipment and to contain all drilling fluids and cuttings to avoid contamination of the ground water. Waters spilled during construction or testing of the injection well system shall be contained and properly disposed. Plans and specifications for the pad submitted by the engineer of record, including information that specifies the material selected to construct the pad, shall be provided to and approved by the Department before starting construction of either the injection well or monitor well.

A copy of the Order or additional information may be obtained by contacting: George Heuler, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8657.

#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on June 20, 2011, the Board of Optometry, received a petition for waiver or variance filed by Courtney L. Case, O.D., from Rule 64B13-4.001, F.A.C., with regard to the licensure requirement of Rule 64B13-4.001, 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, 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.

NOTICE IS HEREBY GIVEN that on June 16, 2011, the Board of Optometry, received a petition for waiver or variance filed by Aria C. Murphy seeking a permanent waiver from Rule 64B13-4.004, F.A.C., with regard to the time frame for submission of the application for examination. Comments on this petition should be filed with: The Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, 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 FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that on June 3, 2011, the Department of Financial Services issued an Order. The Order is regarding the receipt of a petition for variance or waiver, filed on April 23, 2010, which stated that Michigan Millers Mutual Insurance Company was seeking a waiver from the requirements of Rule 69L-56.3013, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published in Vol. 36, No. 25, of the June 25, 2010, edition of the Florida Administrative Weekly. The Petitioner sought a waiver or variance from Rule 69L-56.3013, Florida Administrative Code, which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. The Department's Order granted the petition, subject to certain conditions stated therein.

A copy of this Order may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228 or by telephone at (850)413-1600.

### Section VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 11, 2011, 12:00 Noon

PLACE: To be announced

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business matters.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6400.

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 5 days before the workshop/meeting by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6400. 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: Elyse Cornelison, Museum of Florida History, (850)245-6400.

#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 12, 2011, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: July 20, 2011, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: July 21, 2011, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation