

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.725 Permissible Items for Visitors
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-24.003 Rental Agreement Extensions
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-1030 or sharon.malloy@dbpr.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:
61E14-4.001 Continuing Education Renewal Requirements
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 36, September 10, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-20.007 Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 37, September 17, 2010 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in letters dated October 13, 2010, January 19, 2011 and April 1, 2011. The changes will update the rule title; clarify credit hours; correct the name and address for one of the providers for evaluations of substantial equivalency; and add new language to clarify the outlined College Level Examination Programs (CLEP) examinations.

The rule title and rule text shall read as:

61G15-20.007 Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees Demonstration of Substantial Equivalency.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET must demonstrate:

(a) 32 college semester credit hours of higher mathematics and basic sciences.

1. and 2. No change

(b) 16 college semester credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college semester credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) No change.

(2) No change.

(3) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either; National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road Cle son, South Carolina 29678 Center for Professional Engineering Education Services, P. O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc.

(4) Any applicant whose only educational deficiency under subsection (1)(2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (1)(2).

(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies related to humanities and social sciences, provided the exams are in courses that meet the requirements of subparagraph (1)(b) above and the applicant is able to show that the results are recognized by a college or university with an EAC/ABET accredited engineering program.

Rulemaking Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08, 10-15-09, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-210.200 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The following is added to the Notice of Proposed Rulemaking for OGC 11-0614 at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that the proposed rulemaking will not require legislative ratification based on the fact that the rulemaking is a minimal clarification of regulatory requirements and is expected to result in no adverse impacts and no increased costs.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-212.400 RULE TITLE: Prevention of Significant Deterioration (PSD)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The following is added to the Notice of Proposed Rulemaking for OGC 11-0786 at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that the proposed rulemaking will not require legislative ratification based on the fact that the rulemaking is a minimal clarification of regulatory requirements and is expected to result in no adverse impacts and no increased costs.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

THE STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.009 RULE TITLE: Conscious Sedation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-14.010 Pediatric Conscious Sedation
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 22, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-54.002 Inactive Licensure Status;
 Reactivating of Licensure,
 Delinquent Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-55.002 Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-8.005 Unprofessional Conduct

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-26.206 Application for Pharmacist Licensure
 by Endorsement (Foreign Pharmacy
 Graduates)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: RULE TITLES:
64B16-30.001 Disciplinary Guidelines; Range of
 Penalties; Aggravating and
 Mitigating Circumstances
64B16-30.003 Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**FLORIDA FISH AND WILDLIFE CONSERVATION
COMMISSION**
Manatees

RULE NO.: RULE TITLE:
68C-22.010 Broward County Zones

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S. The proposed rule was originally published in the Florida Administrative Weekly (Vol. 37, No. 12) on March 25, 2011. Public hearings were held on April 20 (in Pompano Beach) and September 7 (in Naples).

The Commission approved the proposed rule with one change: The proposed amendment to the existing cold season (Nov. 15 – Mar. 31) weekend-only Slow Speed zone from north of Sunrise Boulevard to Burnham Point has been removed, thereby leaving the zone in this area the same as it was previously. The rule text for the areas that have been changed is shown below, followed by maps showing those geographic areas where zone changes were approved. Areas that are shown in normal text or as “no change” in this notice are areas where no changes to the proposed rule amendments have been made. For additional information, or for a copy of the final rule in its entirety, please contact Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399 (850-922-4330).

THE TEXT OF THE PROPOSED RULE, AS CHANGED, IS:

(Substantial rewording of Rule 68C-22.010 follows. See Florida Administrative Code for present text.)

68C-22.010 Broward County Zones.

(1) No change.

(2) The following year-round and seasonal zones are established, which exclude all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, and other waterways unless otherwise designated or specifically described for inclusion. Coordinates used in the descriptions of zone boundaries are referenced to the North American Datum of 1983 (NAD83). Access to the NO ENTRY zones designated hereunder will be provided in accordance with subsection (4) below and applicable provisions of Rule 68C-22.003, F.A.C.

(a) through (d) No change.

(e) SLOW SPEED (Weekends and Holidays, November 15 through March 31) – This zone applies on weekends and those holidays identified in 110.117, F.S., that occur during this period (from 7:00 a.m. to 7:00 p.m.) for the following

described waters: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 500 feet south of the centerline of the Atlantic Boulevard Bridge, and north of a line that bears 310° from the westernmost angle point of the seawall at Burnham Point (approximate latitude 26° 06' 38" North, approximate longitude 80° 06' 32" West), including all boat basins and associated waterways south of East Las Olas Boulevard drawn perpendicular to the centerline of the waterway 2250 feet north of the centerline of Sunrise Boulevard; and all waters of Lake Santa Barbara and associated waterways west of the Intracoastal Waterway and east of the centerline of the U.S. Highway 1 Bridge over Cypress Creek.

(f) SLOW SPEED (November 15 through March 31) –

1. Palm Beach County line to Channel Marker “68A”: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of the Palm Beach County line and north of a line drawn perpendicular to the centerline of the waterway running through Red Atlantic Intracoastal Waterway Channel Marker “68A” (approximate latitude 26° 16' 33" North, approximate longitude 80° 04' 52" West), except as otherwise designated for more restrictive regulation; and

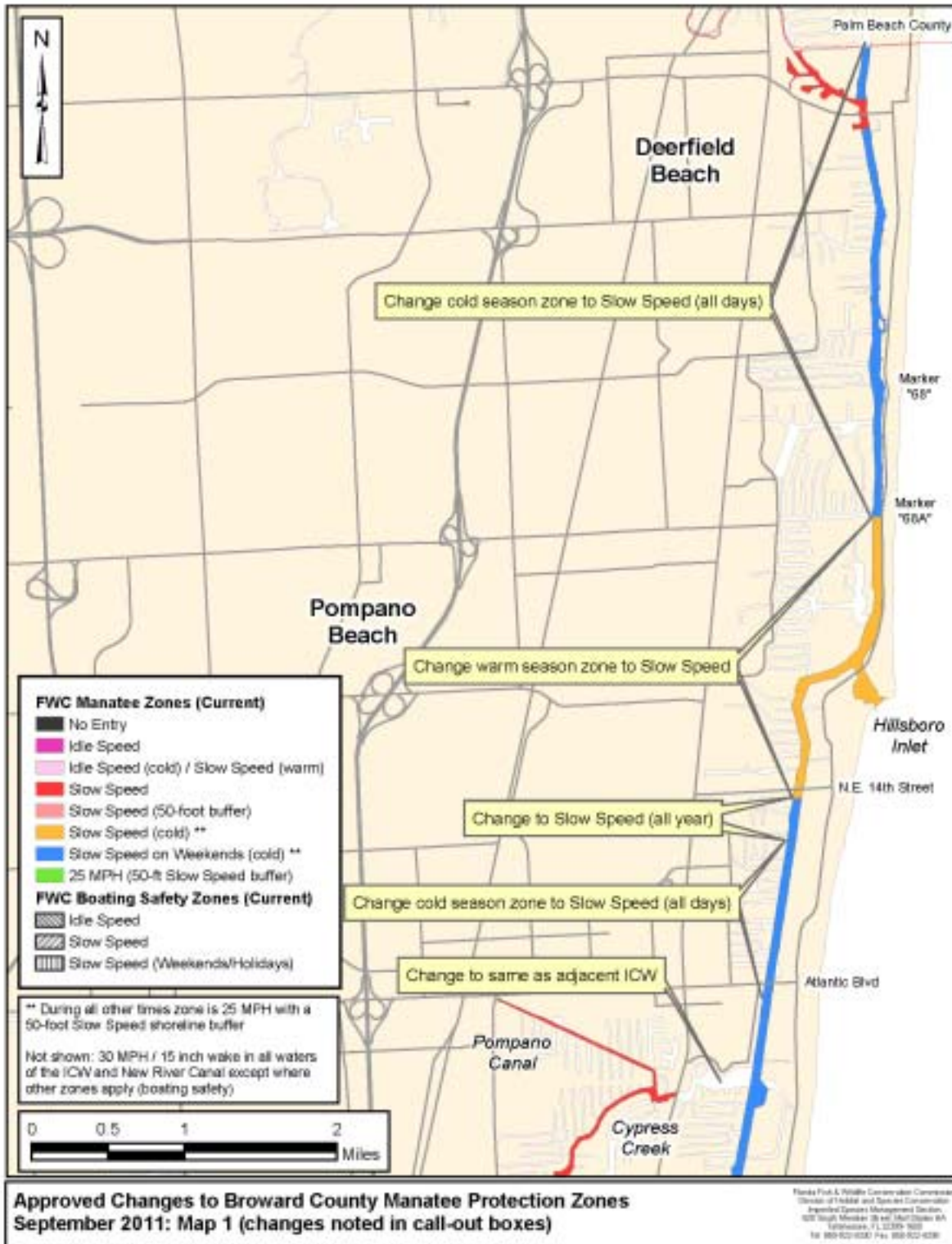
2. Atlantic Boulevard Area: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 1850 feet south of the centerline of the N.E. 14th Street Bridge, and north of a line drawn perpendicular to the centerline of the waterway 500 feet south of the centerline of the Atlantic Boulevard Bridge; and

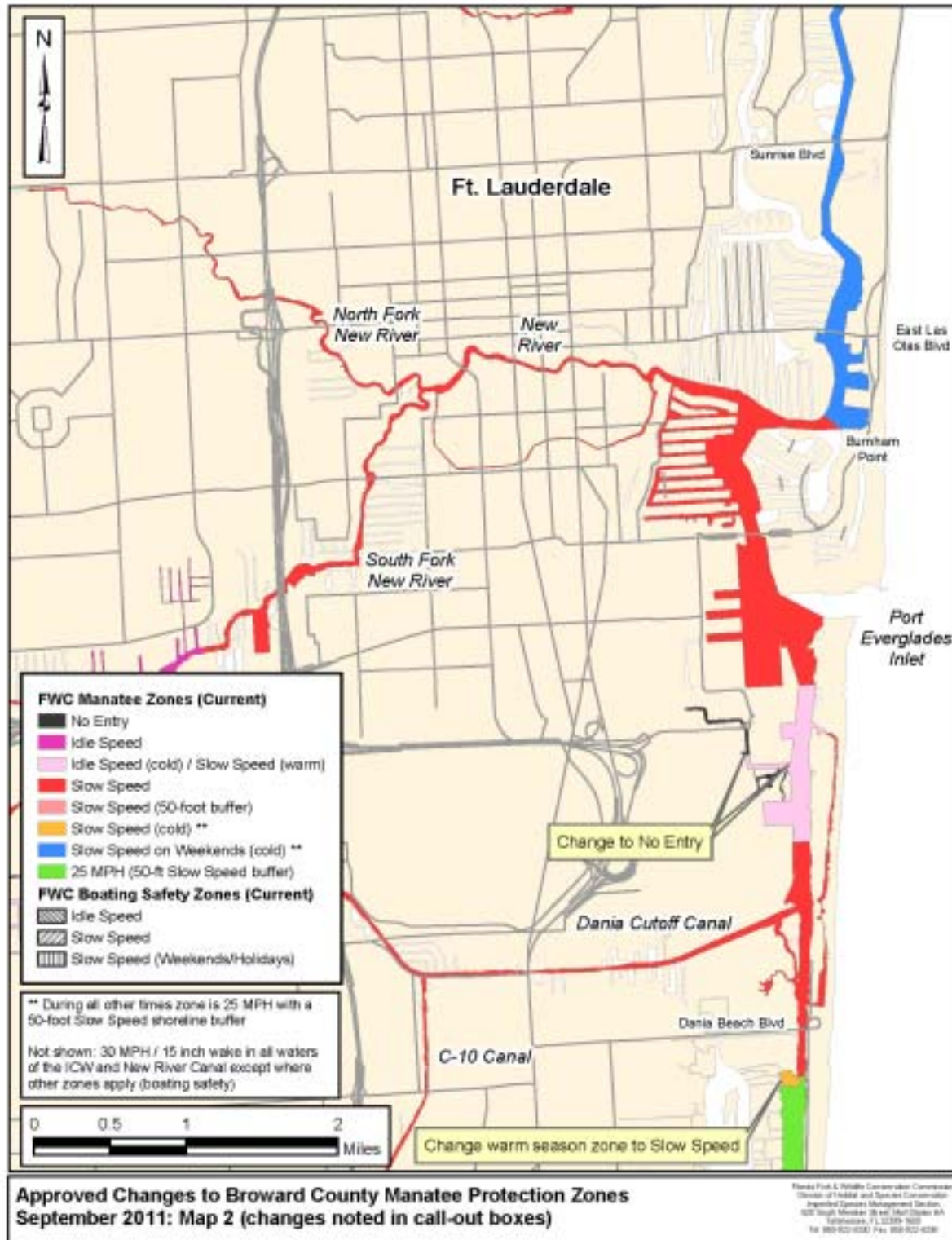
3. North of Sunrise Boulevard to Burnham Point: Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, south of a line drawn perpendicular to the centerline of the waterway 2250 feet north of the centerline of Sunrise Boulevard, and north of a line that bears 310° from the westernmost angle point of the seawall at Burnham Point (approximate latitude 26° 06' 38" North, approximate longitude 80° 06' 32" West), including all boat basins and associated waterways south of East Las Olas Boulevard.

(g) No change.

(3) through (5) No change.

Rulemaking Authority 379.2431(2) FS. Law Implemented 379.2431(2) FS. History—New 3-19-79, Formerly 16N-22.10, Amended 12-5-89, 6-16-93, Formerly 16N-22.010, Amended 12-18-94, 6-25-96, Formerly 62N-22.010, Amended _____.





DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
 69B-125.004 Credit Report Use and Disclosure in
 Consideration of Insurance
 Applications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

STATEMENT ON RATIFICATION: The proposed repeal of Rule 69B-125.004, F.A.C., will not require legislative ratification under Section 120.541(3), F.S. The rule is being repealed since it duplicates Rule 69O-125.004, F.A.C., which is administered by the Office of Insurance Regulation. The knowledge and experience of Department staff were utilized in making this determination.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
 69B-221.010 Temporary Orders of Suspension of
 Bail Bond Agents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 32, August 12, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 12, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NOS.: RULE TITLES:
 69H-3.001 Purpose and Scope
 69H-3.002 Qualification Procedures
 69H-3.003 Physical Security of Exhibition
 Facilities
 69H-3.004 Transportation of Eligible Items
 69H-3.005 Qualification of Applicant’s Staff
 69H-3.006 Eligibility for Commercial Insurance
 69H-3.007 Environmental Control
 69H-3.008 Loss Adjustment
 69H-3.009 Arbitration and Appraisal

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 34, August 26, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 26, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-13.005 Pressure Relief Ventilation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 33, August 19, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on August 19, 2011, referenced incorrect information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

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

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on August 25, 2011, the Department of Community Affairs, received a petition for waiver from the Suwannee County Board of County Commissioners. It has been assigned the number DCA11-WAI-181.

THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER IS SOUGHT: Paragraph 9B-43.0041(1)(c), F.A.C. Requesting a waiver of the \$750,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Canaveral Port Authority Police Department on behalf of one officer for the 2008-2010 (7/1/2008 – 6/30/2010) reporting 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. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2010 reporting cycle. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2010 reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 8, 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 Clewiston Police Department on behalf of Officer Curtis Clay for the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/2008 – 6/30/10) mandatory firearms requalification reporting cycles. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and instructed by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that Officer Clay is a CJSTC-certified firearms instructor and that he did successfully complete the course of fire, however, the instructor utilized by the Petitioner during the 2006-2008 and 2008-2010 reporting cycles to supervise Officer Clay’s firearms requalification was not a CJSTC-certified firearms instructor. Petitioner states that Officer Clay 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 Officer Clay did successfully complete the requirement simply because his CJSTC form 86A was not signed by a CJSTC-certified firearms instructor during the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/08 – 6/30/10) reporting cycles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on September 9, 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 Glades County Sheriff’s