

Based on the SERC prepared for this rule amendment, there are no impacts directly or indirectly on the following: economic growth, private-sector job creation or employment, or private-sector investment, business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the rule will not increase regulatory costs, including any transactional costs in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

There are no costs to the department or other state and local government entities for implementing this proposed rule. There are no transactional costs to be incurred by individuals and entities required to comply with the rule. There is no impact on small businesses, small counties or small cities.

#### FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002  
RULE TITLE: Definitions

#### NOTICE OF WITHDRAWAL

Notice is hereby given that paragraph 16 of the Qualified Allocation Plan incorporated by reference in the Rule 67-48.002(94), F.A.C., "QAP or Qualified Allocation Plan," as noticed in Vol. 37, No. 26, July 1, 2011 issue of the Florida Administrative Weekly has been withdrawn.

### Section IV Emergency Rules

NONE

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

#### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on October 3, 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 Cedar Key Police Department on behalf of four officers for the 2006-2008 (7/1/2006 – 6/30/2008) 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the two instructors supervising the requalifications were not CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2006-2008 requalifications.

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.

NOTICE IS HEREBY GIVEN that on October 4, 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 Daytona Beach Police Department on behalf of 32 officers for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008-6/30/2010) reporting 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the two instructors supervising the requalifications were not CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2008 and 2010 requalifications.

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.

NOTICE IS HEREBY GIVEN that on October 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 Lawtey Police Department on behalf of Captain Troy Bennett for the 2006-2008 (7/1/2006 – 6/30/2008) 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue was not qualified on all aspects of the requalification shoot for the 2008 reporting cycle while the officer was employed with another agency. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete all of the requirements for the 2010 reporting cycle and that the

oversight was the result of a different agency failing to ensure Captain Bennett had completed all portions of the firearms requalification for the 2008 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, or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on October 6, 2011, the Criminal Justice Standards and Training Commission, received a petition for an emergency permanent rule waiver of paragraphs 11B-27.00213(4)(a), (b), F.A.C., by Ashley Humphrey. Paragraphs 11B-27.00213(4)(a), (b), F.A.C., requires those who hold Temporary Employment Authorization (TEA) who fail to complete their TEA to wait four years before beginning another TEA. Petitioner states that she failed one class in Basic Recruit Training (BRT) which prevented her from successfully completing BRT. As a result, Petitioner states that she lost her job as a correctional officer trainee. Petitioner asserts that she must be permitted to seek another TEA immediately to provide for her family. Petitioner states that compliance with the rule affects her differently than others subject to it. She states that it would violate the principles of fairness and cause her undue hardship to enforce compliance with this rule upon her in her unique situation.

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.

NOTICE IS HEREBY GIVEN that on October 7, 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 Lake Hamilton Police Department on behalf of two officers for the 2008 (7/1/2006-6/30/2008) 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the instructor supervising the requalifications was not a CJSTC-certified firearms instructor. 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 did successfully complete the requirement simply because a non-CJSTC-certified firearms instructor supervised their 2008 requalifications.

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.

NOTICE IS HEREBY GIVEN that on October 4, 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 Lee County Port Authority on behalf of 59 officers for the 2008 (7/1/2006-6/30/2008) 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the instructors supervising the requalifications were not CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2008 requalifications.

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.

NOTICE IS HEREBY GIVEN that on October 3, 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 Lee County Port Authority on behalf of 59 officers for the 2006-2008 (7/1/2006 – 6/30/2008) 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 and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the two instructors supervising the requalifications were not CJSTC-certified firearms instructors. 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 did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2006-2008 requalifications.

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.

## WATER MANAGEMENT DISTRICTS

The Suwannee River Water Management District (SRWMD) hereby gives notice on September 26, 2011, the SRWMD granted a Final Order. This Order (11-0003) granted variance under Section 120.542, F.S., to Sonja Graham, 997 S.W. Santa Fe Drive, Fort White, FL 32038, for construction of a building with an enclosed lower floor +/- 2.5 feet below the 100-year flood elevation. The petition for variance was received by SRWMD on June 21, 2011. Notice of receipt of petition requesting variance was published in F.A.W., Vol. 37, No. 26, July 1, 2010. No public comment has been received. This Order provides a variance from SRWMD criteria for 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. The petition was assigned ERP Number 11-0109, S. Graham District Floodway Project – Three Rivers Estates Lots 58 & 59, located in Columbia County, in Township 7 South, Range 15 East, Section 1. SRWMD granted the petition because the petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order or additional information 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.

## 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 October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from East House West House, filed September 8, 2011, and advertised in Vol. 37, No. 38, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a safety bulkhead on the bottom of the hydraulic jack until September 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-304).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 933 Office Bldg. #B, filed September 9, 2011, and advertised in Vol. 37, No. 38, 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 July 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 2011-307).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from USF Interdisciplinary Science, filed September 6, 2011, and advertised in Vol. 37, No. 37, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4 and 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm steel rope and a metallic sheave because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-301).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Duval County Courthouse, filed May 6, 2011, and advertised in Vol. 37, No. 20, of the Florida Administrative Weekly. No comments were received in response to the

petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump in the hoistway 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 2011-149).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Harbour Towers Condo, filed September 9, 2011, and advertised in Vol. 37, No. 38, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 15, 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 2011-310).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 6, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Shell Point Village, filed September 7, 2011, and advertised in Vol. 37, No. 38, 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 3.3.2 and 3.10.4(u) ASME A17.3, 1996 edition, from Rule 204.2c(5) ASME A17.1, 1979 edition and 303.3d ASME A17.1, 1981 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards, in car keyed stop switch, natural ventilation of the car and a shut-off valve in the machine room until August 31, 2014, because the Petitioner has demonstrated that the purpose of the statute

underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-303).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Hilton Longboat Key, filed August 17, 2011, and advertised in Vol. 37, No. 35, 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 July 31, 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 2011-273).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Norton Park Place, filed August 10, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings until November 7, 2011, 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 2011-266).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Edison College Bldg. U, filed July 25, 2011, and

advertised in Vol. 37, No. 32, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the pit be 5 feet deep 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 2011-245).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 801 Magnolia Bldg., filed July 26, 2011, and advertised in Vol. 37, No. 32, 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 July 15, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-246).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Ironwood Twelfth Condo Assoc., filed August 1, 2011, and advertised in Vol. 37, No. 32, 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 June 30, 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 2011-253).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On October 5, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from FL-1200 Corp. LLC, filed September 13, 2011, and advertised in Vol. 37, No. 38, 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, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-312).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 2, 2011, the Department received a letter withdrawing the Petition for variance from Lakewood at Palm Beach, filed August 30, 2011, and advertised in Vol. 37, No. 36 of the Florida Administrative Weekly. The Petition for variance requested a variance from Rule 1004.2b, 8.6.1.6.3 and 112.5, ASME A17.1, but did not specify what year edition of the code, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2011-286).

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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 12, 2011, the Department received a letter withdrawing the Petition for variance from Campus Towers, filed August 18, 2011, and advertised in Vol. 37, No. 35 of the Florida Administrative Weekly. The Petition

for variance requested a variance from Rule 2.2.1, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires machine space. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2011-275).

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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Marina Manor I, filed July 29, 2011, and advertised in Vol. 37, No. 32 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 because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C. for which they are requesting the variance from (VW 2011-252).

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 5, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Silver Sands Bldg. B, filed August 12, 2011, and advertised in Vol. 37, No. 34 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 Rule 8.7.3.31.8(c), ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires firefighters' emergency operations because the requested rule is too broad from a section that, if not complied with, would create a danger to the riding public (VW 2011-267).

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.

NOTICE IS HEREBY GIVEN that on October 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Bayshore Gardens. 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 2011-335).

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 October 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 20 North Orange. Petitioner seeks an emergency 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 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-336).

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 October 5, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Corniche. 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 2011-337).

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 October 6, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lands Ends Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a shut-off valve in the machine room 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 2011-338 & VW 2011-339).

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 October 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Holiday Inn Hotel & Suites. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.27.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, and Section 3003.1, Florida Building Code, that requires emergency standby power 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 2011-340).

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 October 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sarasota Kennel Club. 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 2011-341).

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 August 4, 2011, the Department received a Petition for a Routine Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Clearwater Angler, Clearwater, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathrooms located in the Municipal Marina for use by customers and employees.

The Petition for this variance was published in Vol. 37, No. 37 on September 16, 2011. The Order for this Petition was signed on October 5, 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 bathrooms located at the east end of the City of Clearwater Municipal Marina are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, handwash sign and are 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 City of Clearwater Municipal Marina changes, a 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.

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NOTICE IS HEREBY GIVEN that on October 10, 2011, the Electrical Contractors' Licensing Board, received a petition for Roger Diaz, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

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The Electrical Contractors' Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance which was filed on February 8, 2011, by Rene Suarez. The Notice of Petition for Variance/Waiver was published in Vol. 37, No. 15, of the April 15, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance from Rule 61G6-6.017, Florida Administrative Code, entitled, "Duration of Examination Scores," which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination. The Board considered the instant Petition at a duly-noticed public meeting, held March 17, 2011, in Tampa, Florida.

The Board's Order, filed on September 23, 2011, granted the petition, finding Petitioner had demonstrated that application of the rule to his circumstances would violate the principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

The Board of Veterinary Medicine hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance which was filed on July 28, 2011, by Rita Montano. The Notice of Petition for Variance/Waiver was published in Vol. 37, No. 33, of the August 19, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance from subsection 61G18-11.002(4), Florida Administrative Code, entitled, "Examination and Licensure," which requires that in order to obtain licensure, the candidate must receive a passing score on each portion of the examination. The candidate must receive a score of 425 on the NAVLE. The Board considered the instant Petition at a duly-noticed public meeting, held September 1, 2011, in St. Augustine, Florida.

The Board's Order, filed on September 23, 2011, granted the petition, finding Petitioner had demonstrated that application of the rule to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Order or additional information may be obtained by contacting: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

NOTICE IS HEREBY GIVEN that on September 29, 2011, the Board of Accountancy, received a petition for Monica Feliciano, 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 Rule 61H1-27.002(3), F.A.C.

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.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on May 27, 2011, by Melanie A. Humlicek. The Notice of Petition for Waiver or Variance was published in Vol. 37, No.

26, of the July 1, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-27.0041(2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subsection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and 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 Board considered the instant Petition at a duly-noticed public meeting, held August 12, 2011, in Tampa, Florida.

The Board's Order, filed on September 29, 2011, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-27.0041(2), 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on April 7, 2011, by Ramon Romero. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 17, of the April 29, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on June 17, 2011, in Tampa, Florida.

The Board's Order, filed on September 29, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN that on September 28, 2011, the Board of Accountancy, received a petition for Laurie Sandoval, 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria 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.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on July 5, 2011, by Brian Sullivan. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 30, of the July 29, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraphs 61H1-27.0041(1)(b) and (2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and 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 Board considered the instant Petition at a duly-noticed public meeting, held August 12, 2011, in Tampa, Florida.

The Board's Order, filed on September 29, 2011, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from paragraphs 61H1-27.0041(1)(b) and (2), 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on September 22, 2011, the Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from the requirements of paragraph 62-604.400(2)(a), Florida Administrative Code (F.A.C.). The petitioner, City of Cape Coral, P. O. Box 150027, Cape Coral, Florida 33915-0027, seeks relief from the requirement for the installation of permanent generators at 3 lift stations which have alternative methods to prevent loss of service. The petitioner is requesting a permanent variance due to their alternative methods and the use of portable generators. The petition has been assigned OGC File No. 11-1357. Public comment must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gary Maier, Department of Environmental Protection, South District Office, P. O. Box 2549, Ft. Myers, FL 33902, (239)344-5664, gary.maier@dep.state.fl.us.

NOTICE IS HEREBY GIVEN that on September 21, 2011, the Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from the requirements of subsection 62-610.521(6), Florida Administrative Code (F.A.C.). The petitioner, Kurvin Qualls, Mayor, Town of Jay, 3695 Highway 4, P. O. Box 66, Jay, Florida 32565, seeks relief from the Part IV, rapid-rate land application systems, setback distance requirement of 100 feet from the edge of the rapid infiltration basins (RIBs) to buildings that are not part of the treatment facility or to the site property line required by subsection 62-610.521(6), F.A.C., for the Town of Jay WWTP's two RIBs. The petitioner is requesting a permanent variance to reduce the setback from 100 feet to a minimum of 22 feet up to approximately 30 feet for the existing two RIBs that were permitted for construction and operation by the Department in 1995. The petition has been assigned OGC File No. 11-1358 and PA File No.: FLA010206-009-DWF/VO. Public comment must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jonathan May, Department of Environmental Protection, Domestic Wastewater Section, Northwest District,

160 West Governmental Street, Suite 308, Pensacola, Florida 32502-5740, email: jonathan.may@dep.state.fl.us, telephone: (850)595-0609.

## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on October 7, 2011, the Board of Medicine, received a petition for waiver or variance filed by Javanshir Janani, M.D., from subsection 64B8-4.009(4) and Rule 64B8-4.010, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school and the requirement for a copy of the diploma from Petitioner's medical school.

Comments on this petition should be filed with: The Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on October 6, 2011, the Board of Medicine, received a petition for waiver or variance filed by Mamta Mangal, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirements for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

**NOTICE OF CORRECTION** – The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Lucindo Fidalgo, filed on May 23, 2011. It appears the Petitioner was requesting a Variance or Waiver from Rule 64B12-9.0015, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, denies the Petition for Variance or Waiver. Upon review of the petition, it appears the Petitioner is requesting a waiver of the statute. The Board does not possess the authority to vary or waive the requirements of the statute. Therefore the Board denies the Petition for Declaratory Statement.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that on September 28, 2011, the Board of Physical Therapy Practice, received a petition for Angra Chhaya, seeking a variance or waiver of Rule 64B17-3.001, F.A.C., with regard to general education credits deficiency. Petitioner has demonstrated a substantial hardship or a violation of principles of fairness that would justify a waiver or variance.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

### DEPARTMENT OF STATE

The **Division of Historical Resources**, Florida Historical Commission announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, November 16, 2011, 9:00 a.m. – conclusion

**PLACE:** R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Historical Commission will hold its November meeting for the purposes of conducting commission business and assisting the Division of Historical Resources in carrying out the purposes, duties, and responsibilities of the division.

A copy of the agenda may be obtained by contacting: Celeste Ivory at 1(800)847-7278 or email: Celeste.Ivory@DOS.MyFlorida.com.

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: Celeste Ivory at 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.