

### Section III Notices of Changes, Corrections and Withdrawals

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                   RULE TITLE:  
40C-3.035                   Agreements

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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

- (1) through (16) No change.
- (17) Copies of these documents are available from:

District Rules Coordinator  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, Florida 32177-2529  
(386)326-3026

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.109, 373.308, 373.309, 373.319 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, 6-25-02, 7-25-02, 1-11-06, 5-18-06, 5-24-07, 5-20-08,

### 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 November 1, 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 Blountstown Police Department on behalf of James E. Godwin 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 shot the mandated course of fire with passing scores for the 2008 reporting cycle. The firearms instructor who supervised the mandatory firearms retraining documented Godwin’s performance on the CJSTC 86A form. The instructor, the agency, and Godwin believed the instructor was a CJSTC-certified firearms instructor at the time. The instructor’s firearms instructor certification had lapsed without anyone becoming aware of it. 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 2008 reporting cycle with the only deficiency being that the instructor who supervised him was inactive at the time of the qualifying shoots.

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 November 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 Green Cove Springs Police Department, on behalf of 9 officers for the 2006-2008 (7/1/2006 – 6/30/2008) and 2008-2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification 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, they were supervised by non-CJSTC-certified firearms instructors who signed the officers’ CJSTC 86A forms. The officers at issue were supervised for the 2010-2012 (7/1/2010 – 6/30/2012) mandatory firearms requalification reporting period by CJSTC-certified firearms instructors and received passing scores. 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 they were supervised by non-CJSTC-certified firearms instructors for the 2008 and 2010 mandatory firearms requalification 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 or by telephoning (850)410-7676.

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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.

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NOTICE IS HEREBY GIVEN that on November 1, 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 Gulf Breeze Police Department on behalf of 33 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 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 2006-2008 requalifications.

NOTICE IS HEREBY GIVEN that on November 1, 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 Jupiter Inlet Colony Police Department on behalf of 18 officers for the 2006-2008 (7/1/2006 – 6/30/2008) and 2008-2010 (7/1/08 – 6/30/10) 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 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 2006-2008 and 2008-2010 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.

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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.

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NOTICE IS HEREBY GIVEN that on November 1, 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 Hillsboro Beach Police Department on behalf of 18 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 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 2006-2008 requalifications.

NOTICE IS HEREBY GIVEN that on November 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 Maitland Police Department, on behalf of one officer for the 2008-2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification 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 officer at issue did successfully complete the course of fire, however, he is a CJSTC-certified firearms instructor and he did sign his own CJSTC 86A form. The officer at issue was supervised for the 2010-2012 (7/1/2010 – 6/30/2012) mandatory firearms requalification reporting period by another CJSTC-certified firearms instructor. The officer at issue achieved a passing score. 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 he signed his own CJSTC 86A form for the 2010 mandatory firearms requalification 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.

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NOTICE IS HEREBY GIVEN that on November 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 the Office of the State Attorney, First Judicial Circuit, on behalf of 16 officers for the 2008 (7/1/2006 – 6/30/2008) reporting period and one officer for the 2010 reporting period (7/1/2008 – 6/30/2010). 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 a non-CJSTC-certified firearms instructor supervised the 2008 requalifications for 16 officers and the 2010 requalification for one of the 16 officers.

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.

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NOTICE IS HEREBY GIVEN that on November 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 the Parker Police Department, on behalf of ten officers for the 2008 (7/1/2006 – 6/30/2008) reporting period and one of the ten officers for the 2010 reporting period (7/1/2008 – 6/30/2010). 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 a non-CJSTC-certified firearms instructor supervised the 2008 requalifications for 16 officers and the 2010 requalification for one of the 16 officers.

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.

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NOTICE IS HEREBY GIVEN that on November 1, 2011, the Criminal Justice Standards and Training Commission, received a petition for a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Satellite Beach Police Department on behalf of one officer for the 2006-2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting cycle. 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 did successfully complete the course of fire, however, the instructor supervising the requalification was not a CJSTC-certified firearms instructor. Petitioner describes the officer at issue as a CJSTC-certified firearms instructor in his own right. The instructor supervising the officer at issue had completed all coursework required to become a CJSTC-certified firearms instructor, but had not completed the paperwork to become active. Petitioner states that the officer at issue 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 a non-CJSTC-certified firearms instructor supervised his 2006-2008 mandatory firearms requalification 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.

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NOTICE IS HEREBY GIVEN that on November 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 Tavares Police Department, on behalf of one officer for the 2006-2008 (7/1/2006 – 6/30/2008) and 2008- 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification 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 officer at issue did successfully complete the course of fire, however, he is a CJSTC-certified firearms

instructor and he did sign his own CJSTC 86A form. The officer at issue was supervised for the 2010-2012 (7/1/2010 – 6/30/2012) mandatory firearms requalification reporting period by another CJSTC-certified firearms instructor. The officer at issue achieved a passing score. 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 he signed his own CJSTC 86A form for the 2008 and 2010 mandatory firearms requalification 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 or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN that on November 1, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., from Valencia College Police Department on behalf of two Correctional Officers. Paragraph 11B-35.001(9)(b), F.A.C., requires officers to achieve a passing score of 80% or higher on Advanced and Specific Specialized Training Program Courses. The petition supports the requested waiver by stating that the officers at issue achieved what would have been passing scores (76%) under the old rule that took effect the week before the two officers took their end-of-course examinations. Petitioner states that the two officers should not be penalized because of the rule changing the passing scores from 75% to 80% that took effect immediately prior to the end-of-course examinations. Petitioner states that the officers at issue will suffer a substantial hardship if their scores are not recognized because they will not receive the benefit of their retraining and will be obliged to repeat the entire course. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement according to the rules as they existed prior to the date the two officers took the examination.

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.

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NOTICE IS HEREBY GIVEN that on November 1, 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 Wildwood Police Department on behalf of one officer for the 2006-2008 (7/1/2006 – 6/30/2008) and 2008-2010 (7/1/2008 – 6/30/2010) 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 supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue did, in fact, successfully complete the required course of fire, however, the instructor supervising the officer was not a CJSTC-certified firearms instructor. 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 2008 and 2010 reporting cycles and that the oversight was the result of his requalifications being supervised by a non-CJSTC-certified firearms instructor.

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.

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NOTICE IS HEREBY GIVEN that on November 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 the Florida City Police Department, on behalf of 31 officers for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification 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 a non-CJSTC-certified firearms instructor supervised the 2008 mandatory firearms requalifications for 31 officers.

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.

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on November 4, 2011, the South Florida Water Management District (District), received a petition for waiver that was amended. The amended petition was filed on November 4, 2011, by Michael Edwards and Maggie Godoy, Application No. 11-0912-1, for utilization of Works or Lands of the District known as the I-75 Canal, for an existing concrete wall and fence installation. The existing project within the I-75 Canal right of way is located at the intersection of the Spanish Oaks Lane Bridge and I-75 Canal, Section 29, Township 48 South, Range 26 East, Collier

County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within the District's designated equipment staging areas located at all bridges and pile-supported utility crossings within Works or Lands of the District. The petition for waiver was amended to include the District's designated equipment staging areas.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on October 7, 2011, the South Florida Water Management District (District), received a petition for waiver from Robert B. Whaley-CenturyLink, Application No. 11-1007-1, for utilization of Works or Lands of the District known as the Cocohatchee Canal, Collier County, for the proposed installation of aerial telecommunications cable. The proposed project within the Cocohatchee Canal right of way is located approximately 290 feet West of Centerline of the Old Cypress Bridge (Logan Boulevard), Section 29, Township 48 South, Range 26 East. The Petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on October 31, 2011, the South Florida Water Management District (District), received a petition for waiver from Mr. Timothy James, Application No. 06412-1, for utilization of Works or Lands of the District known as the L-50 Canal, Glades County, for existing facilities which include: landscaping consisting of three (3) Royal Palm trees, a dock, slip, lift, boardwalk/walkway, seawall, fencing, and water and electric services within the northwest right of way of L-50; Section 13, Township 40 South, Range 32 East. The petition seeks relief from paragraph 40E-6.221(2)(a) and (j), Florida Administrative Code, which governs: Above-

ground permanent and/or semi-permanent encroachments within 40 feet of the top of the canal bank and the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

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#### DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that on October 20, 2011, the Department of Management Services, received a petition for the Citrus County Sheriff's Office seeking a permanent variance of the rule prohibiting auto dialers from being routed to a 911 system unless they allow two-way voice communication and have the capability of forced disconnection by the Public Safety Answer Point (PSAP) under subsection 60FF-6.005(7), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debbie Shoup, Agency Clerk, Florida Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399, Debbie.Shoup@dms.myflorida.com.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Edison State College. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and governor ropes be no less than 9.5mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-370).

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

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NOTICE IS HEREBY GIVEN that on November 3, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, 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), (6), Florida Administrative Code, from Good For Less, West Palm Beach, 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 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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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 3, 2011, the Board of Medicine, received a petition for waiver or variance filed by Richard A. Amato, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the requirement for completion of 15 hours of CME in pain management for every year the physician is practicing pain management. Comments on this petition should be filed with: 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 31, 2011, the Board of Osteopathic Medicine, received a petition for variance filed by Andrew V. Nicholes, D.O., from Rule 64B15-13.001, F.A.C., with regard to the requirement for biennial renewal CME to be in live lecture format. Comments on this petition should be filed with: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056, within 14 days of publication of this notice.

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

NOTICE IS HEREBY GIVEN that on August 29, 2011, the Board of Physical Therapy Practice, received a petition for Jo-Anna Yvorchuk, BSc PT, seeking a variance or waiver of sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C. and Rule 64B17-3.003, F.A.C., request the review of the requirements imposed upon candidate by the International Consultants of

Delaware prior to submitting their approval to the Board in support of this candidate's application for a license to practice Physical Therapy in the state of Florida.

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

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The Department of Health hereby gives notice that on November 2, 2011, the Department of Health has issued an order.

Petitioner's Name: Chulhaeng Huh, Ph.D.

Date Petition Filed: October 31, 2011

Rule No.: Subsection 64B23-7.003(1), F.A.C

Nature of the rule for which variance or waiver is sought: The rule provides that a physicist-in training may renew the license every year for a period not to exceed eight years.

Date Petition Published in the Florida Administrative Weekly: November 10, 2011.

General Basis for Agency Decision: The Department determined to grant Petitioner's emergency petition for a temporary variance or waiver of the rule because without additional time Petitioner would suffer the substantial hardship of losing his job effective November 13, 2011. The underlying purposes of the statute are achieved because Petitioner is making steady process toward passing all the required portions of the exam for full licensure.

A copy of the Order or additional information may be obtained by contacting: Amy Carraway, Deputy Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251.

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NOTICE IS HEREBY GIVEN that on November 9, 2011, the Florida Housing Finance Corporation, received a petition for Waiver from Town Park, LTD, of paragraph 67-48.004(14)(e), F.A.C., which disallows revision, correction or supplementation of the Application after the Application Deadline. A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.