

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-23-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 23, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on October 24, 2011, the Commission for Independent Education, received a petition for a variance of Rule 6E-4.001, F.A.C., Fees and Expenses, on behalf of John Baird for American Bartending School, License #549. Rule 6E-4.001, F.A.C., sets workload and base fees for licensure institutions based upon student enrollment for the last fiscal year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

NOTICE IS HEREBY GIVEN that on October 21, 2011, the Commission for Independent Education, received a petition for a variance of Rule 6E-2.008, F.A.C., Approval of Modifications, on behalf of Shari Weisman for Professional Scuba Diving Academy, License #3763. Rule 6E-2.008, F.A.C., Approval of Modifications requires institutions holding an Annual License to receive approval for additional locations by the Commission before implementation and notification prior to use of an auxiliary classroom space as defined by Rule 6E-1.003, F.A.C. An auxiliary classroom space means a location within 10 miles of the licensed school.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on November 14, 2011, the Department of Economic Opportunity, received a petition for waiver from the Wakulla County Board of County Commissioners. It was assigned Case No. DEO-11-0035. The petitioner seeks a waiver of subparagraph 9B-43.0041(3)(b)1.,

F.A.C. The rule relates to acceptable timing of meetings and notice under the Florida Small Cities Community Development Block Grant project housing category.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 21, 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 Mexico Beach Police Department on behalf of one officer for the 2010 (7/1/2008 – 6/30/2010) 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 officer at issue completed the course of fire for the 2010 reporting cycle, however, the CJSTC 86A form is missing from the officer's file. 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 his CJSTC 86A form is missing for 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 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on October 28, 2011, the Suwannee River Water Management District, received a petition for variance from Paul & Sherry Millington, 18850 217 Road, Live Oak, FL 32060, pursuant to Section 120.542, F.S. Petitioner is seeking waiver from subsection 40B-4.3030(9), F.A.C., as to the zero rise certification requirements and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner intends to raise the existing structure in same footprint, in Suwannee County, located in Township 4 South, Range 11 East, Section 26. These rules are intended to set forth criteria for development activities within a Work of the District. The petition has been assigned ERP Number 04-0094M, P. Millington District Floodway Project Modification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

The South Florida Water Management District (District) hereby gives notice on November 10, 2011, the District's Governing Board issued SFWMD Order No. 2011-226-DAO-ROW to Miami-Dade Aviation Department (Application No. 11-0510-1). The petition for waiver was received by the District on May 9, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 23, on June 10, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow the construction of N.W. 42nd Court bridge crossing the C-4 Canal; Section 32, Township 53 South, Range 41 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the minimum low member elevation of bridge crossings location within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the proposed bridge crossing will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, Florida 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

The South Florida Water Management District (District) hereby gives notice on November 10, 2011, the District's Governing Board issued SFWMD Order No. 2011-227-DAO-ROW to Miami-Dade County Public Schools (Application No. 11-0427-2). The petition for waiver was received by the District on September 14, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 39, on September 30, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for the installation of a 50' long section of guardrail at the top of the canal bank at the south end of N.W. 17th Avenue extended within the north right of way of C-8 adjacent to and serving North Dade Middle and North Dade CML Elementary Schools; Section 15, Township 52 South, Range 41 East, Miami-Dade County. Specifically, the Order grants a waiver

from paragraphs 40E-6.221(2)(a) & (j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40' of the top of the canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the guardrail will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

The South Florida Water Management District (District) hereby gives notice on November 10, 2011, the District's Governing Board issued SFWMD Order No. 2011-228-DAO-ROW to Town of Davie (Application No. 11-0802-1). The petition for waiver was received by the District on August 8, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 32, on August 19, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for an existing pole with cameral to remain within the C-11 canal right of way at the intersection of Orange Drive/SW 45th Street and SR 7/US 441 Highway Bridge; Section 25, Township 50 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40 E-6.011(4), (6), and paragraphs 40E-6.221(2)(a) & (j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40' of the top of the canal bank and within the District's designated 100' long equipment staging areas located at all bridge and pile-supported crossings within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the existing facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship and principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, Florida 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

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 November 21, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Westin Tampa Bay, 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 Chapter 3008.1.3.a, 2007 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires elevator cars be sequentially number when viewed from the lobby 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 2011-300).

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 November 21, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 20 North Orange, filed October 3, 2011, and advertised in Vol. 37, No. 42, 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 December 31, 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 2011-336).

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 November 21, 2011, the Division issued an order. The Final Order was in response to a Petition for

Variance from Bayshore Gardens Unit I, filed October 3, 2011, and advertised in Vol. 37, No. 42, 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 November 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 2011-335).

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 November 21, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Holiday Inn Hotel & Suites, filed October 7, 2011, and advertised in Vol. 37, No. 42, 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 Chapter 3003.1, 2007 Florida Building Code, and Rule 2.27.2 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 emergency standby power 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 2011-340).

A copy of the Order 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 November 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Renaissance at Riverside. 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 2011-388).

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 November 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Vanity. 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 that governor ropes be no less than 9.5 mm 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 2011-389).

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 November 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for St. Joseph's Hospital. 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 2011-390).

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 November 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Interstate North Office Center Bldg. 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 2011-391).

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 22, 2011, the Board of Medicine, received a petition for waiver filed by Wagdy Ghaly, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. 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 17, 2011, the Board of Medicine, received a petition for waiver or variance filed by Jeng Lin, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the requirement for completion of 40 hours of CME in 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 Medicine received an emergency petition for waiver or variance filed on behalf of Fred J. Powell, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the requirement for completion of 40 hours of CME in 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.

For a copy of the petition, contact: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

NOTICE IS HEREBY GIVEN that on October 21, 2011, the Board of Medicine, received a petition for waiver or variance filed by Alexandra Taylor, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the requirement for completion of 40 hours of CME in 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 November 22, 2011, the Board of Medicine received an emergency petition for waiver or variance filed on behalf of John S. Wolf, Jr., M.D., from Rule 64B8-9.0131, F.A.C., with regard to the requirement for completion of 40 hours of CME in 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.

For a copy of the petition, contact: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

The Department of Health, Bureau of Radiation Control hereby gives notice that on November 21, 2011, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for Volusia County Division of Corrections. The petition for a variance was received by the Department on September 9, 2011. Notice of receipt of the petition was published in the Florida Administrative Weekly on September 23, 2011. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Volusia County Division of Corrections has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at Volusia County Division of Corrections and under the condition that the machine or any future machines and their use meet ANSI/HPS 42.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting: Don Steiner, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073 or (904)278-5730.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on November 22, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code. Subsection 65C-15.017(2), F.A.C., requires agency staff responsible for supervision shall have a bachelor's or master's

degree in social work or related area of study from an accredited college or university and at least two years of experience in human services or child welfare programs. Four years of experience in human services or child welfare programs may be substituted.

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Office of Cultural, Historical and Information Programs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 11:00 a.m. (EST) – until conclusion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9395093665

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the Viva Florida 500 initiative to commemorate Florida's 500-year anniversary, or Quincentennial, of the landing of European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building in local communities around the state. Agenda will be posted on: www.fl500.com from December 9, 2011.

A copy of the agenda may be obtained by contacting: Rachel Porter, Special Programs Coordinator at (850)245-6360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Porter at (850)245-6360 or email: rachel.porter@dos.myflorida.com. 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).

For more information, you may contact: Rachel Porter at (850)245-6360 or rachel.porter@dos.myflorida.com.

The **Bureau of Historic Preservation**, Great Floridians Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 20, 2011, 2:00 p.m.

PLACE: Secretary of State's Conference Room, 1st Floor, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250