

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 43, October 29, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69B-157.003	Definition of Terms
69B-157.104	Policy Practices and Provisions
69B-157.105	Refund of Premium
69B-157.106	Required Disclosure Provisions
69B-157.107	Required Disclosure of Rating Practices to Consumers
69B-157.109	Prohibition Against Post-Claims Underwriting
69B-157.111	Reporting Requirements
69B-157.114	Filing Requirement – Out of State Groups
69B-157.118	Nonforfeiture Benefit Requirement
69B-157.120	Standard Format Outline of Coverage

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeals will not require legislative ratification based on the following information. These rules are repealed since they are duplicative of their correspondingly numbered rules in Chapter 69O-157, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69B-166.021	Definitions
69B-166.024	Failure to Acknowledge Communications and Act Promptly as to Communications with Respect to Claims and to Implement Standards for the Prompt Investigation of Claims

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeals will not require legislative ratification based on the following information. These rules are being repealed since they are duplicative of the correspondingly numbered rules in Chapter 69O-166, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

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**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that on November 30, 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 Madison Police Department on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008)

and 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 had qualified yearly before a CJSTC-certified firearms instructor, however, the CJSTC 86A forms filed for this officer do not memorialize the date upon which he requalified. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because the dates of his requalifications were not memorialized on his CJSTC 86A forms.

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 December 5, 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, Ninth Judicial Circuit, on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008) and 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 was requalified for the 2008 mandatory firearms requalification reporting cycle by a non-CJSTC-certified firearms instructor, and, for the 2010 mandatory firearms requalification reporting cycle, he signed his own CJSTC 86A form because he was then a CJSTC-certified firearms instructor. 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 was requalified for the 2008 cycle by a non-CJSTC-certified firearms instructor and, for the 2010 cycle, he supervised his own requalification shoot and signed his own CJSTC 86A form.

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 November 30, 2011, the Southwest Florida Water Management District, received a petition for a rule waiver from Hakim Two Family Limited Partnership. The Petitioner seeks a waiver from paragraph 40D-1.607(1)(a) and Rule 40D-1.602, F.A.C., requiring it to obtain an Environmental Resource Permit and to pay the associated permit processing fee.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barbara Martinez, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4660). Any interested person or other agency may submit written comments on the petition within 14 days of the date this notice is published.

NOTICE IS HEREBY GIVEN that on December 2, 2011, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation, Application No. 11-1018-3, Permit (MOD) Number 817 for utilization of Works or Lands of the District known as the C-7 Canal to allow for the widening of the existing N.W. 57th Avenue (Red Road) Bridge crossing C-7; Section 25/36, Township 52 South, Range 40 East, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of pile-supported and free-span facilities crossing 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 #1414, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on December 2, 2011, the South Florida Water Management District (District), received a petition for waiver from Rafael Garcia, Application No. 11-1202-2, Permit (MOD) Number 13960, for utilization of Works or Lands of the District known as the C-51 Canal to allow existing palm trees, utility services with above-ground pedestal and junction box and pavers located within the District's northerly right of way of C-51 to remain; Section 15, Township 44 South, Range 43 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works and 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 #1414, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Bay Terrace, filed November 4, 2011 and advertised in Vol. 37, No. 47 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, 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 2011-377).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 723 Whiskey Bravo Bldg., filed October 27, 2011 and advertised in Vol. 37, No. 45 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 2.18.5.1 and 2.20.1 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 suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm 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 2011-362).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 1707 Building, filed October 21, 2011 and advertised in Vol. 37, No. 44 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 2011-357).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from John Knox Village, filed November 3, 2011 and advertised in Vol. 37, No. 47 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 2.1.4 ASME A17.1, 2004 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 hoistway venting until December 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 2011-372).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Department issued a Final Order that was in response to a Petition for Variance from News Press Publishing Co., filed October 28, 2011 and advertised in Vol. 37, No. 45 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 3.3.2, 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 platform guards because the features required under the new rules will not be installed within a reasonable time period and the proposed time frame is not reasonable given the cost of the modification (VW 2011-367).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Department issued a Final Order that was in response to a Petition for Variance from News Press Publishing Co., filed October 28, 2011, and advertised in Vol. 37, No. 45 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 3.3.2 and 3.9.1, 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 platform guards and normal terminal stopping devices because the features required under the new rules will not be installed within a reasonable time period and the proposed time frame is not reasonable given the cost of the modification (VW 2011-368).

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

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NOTICE IS HEREBY GIVEN that on November 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for USF 2 Apartments. 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 9.5mm 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 2011-394).

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 December 1, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Holiday Inn Maingate East. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-395).

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 December 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Southbridge Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.10.4(t), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), and of the requirements of and subsection 61C-5.0051(1), Florida Administrative Code, that requires keyed and emergency stop switches 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 2011-396).

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 December 5, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for College Studios. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-398).

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 November 28, 2011, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a) and subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Alebrije Gourmet Window, Miami, 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 bathroom facilities located within an adjacent establishment for use by both customers and employees.

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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NOTICE IS HEREBY GIVEN that on November 22, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine 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), 61C-4.010(6), Florida Administrative Code, from El Primo Catering, Orlando, 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 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on November 3, 2011 the 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 Petition for this variance was published in Vol. 37, No. 46 on November 18, 2011. The Order for this Petition was signed on November 28, 2011, and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

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NOTICE IS HEREBY GIVEN that on December 2, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Leslie Hotel Restaurant, Miami Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers. They are requesting to utilize public bathrooms located on a different level than the food service establishment for customer use only.

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on December 6, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from N.W. Florida Community Hospital, filed November 4, 2011, and advertised in Vol. 37, No. 47, 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, 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 2011-378).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 21, 2011, the Division of Hotels and Restaurants received a Petition for a routine Variance for paragraph 61C-1.004(2)(a) and subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, from Regency Club, Bonita Springs, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

The Petition for this variance was published in Vol. 37, No. 44 on November 4, 2011. The Order for this Petition was signed on November 21, 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 public bathrooms located in the main lobby 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 that directional signage is installed on the concierge floor clearly stating the location of the bathrooms.

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on December 1, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Riverside National Bank, filed November 3, 2011, and advertised in Vol. 37, No. 47, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-373).

A copy of the Order or additional information 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 30, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sofrito Mama's located in Sarasota. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another nearby business.

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.

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

The Department of Environmental Protection hereby gives notice that on December 7, 2011, the Department issued an order granting a variance to the City of Alachua. The petition was received on October 5, 2011, and the notice of receipt of the petition for variance was published in the Florida Administrative Weekly, on November 4, 2011. The petition requests a variance from the paragraph 62-503.430(9)(a),

F.A.C., which requires that construction loans for projects sponsored by local governments be repaid within 20 years. The City of Alachua requested that their loans, No. CS79008P, WW790080 and WW790081, repayment be extended from 20 years to 30 years due to financial hardship. No public comment was received. The Order, OGC #11-1404, granted the Petition for variance from paragraph 62-503.430(9)(a), F.A.C., and extended the loan repayment period from 20 years to 30 years, based on a showing that the City of Alachua demonstrated that a strict application of the rule would result in substantial hardship to the City of Alachua and because the City of Alachua had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order or additional information may be obtained by contacting: Bhupendra Vora, Department of Environmental Protection, Bureau of Water Facilities Funding, MS #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8380, bhupendra.vora@dep.state.fl.us.

#### DEPARTMENT OF HEALTH

The Department of Health, Bureau of Radiation Control hereby gives notice that on December 1, 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 Palm Beach County Sheriff's Office. The petition for a variance was received by the Department on October 19, 2011. Notice of receipt of the petition was published in the Florida Administrative Weekly on November 4, 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 Palm Beach County Sheriff's Office 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 the Palm Beach County Sheriff's Office 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.

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

#### DEPARTMENT OF STATE

The **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2012, 8:30 a.m.

PLACE: Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: An ad hoc committee of FOMSL board members will discuss a Policy and Procedures manual and Board Development.

A copy of the agenda may be obtained by contacting: Cookie Stevens, (850)245-6388.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Cookie Stevens at (850)245-6388 or email: cookie.stevens@dos.myflorica.com.

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 9, 2012, 10:00 a.m.

PLACE: This meeting will take place via teleconference. To obtain teleconference instructions, visit the Division's website: [www.florida-arts.org](http://www.florida-arts.org)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs at (850)245-6470 or email: mblewis@dos.state.fl.us.

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: Laura Blischke, Division of Cultural Affairs, (850)245-6470. 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 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).