

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 June 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of Rule 11B-35.0024(2)(b), F.A.C., from Manatee Technical Institute Law Enforcement Academy. Paragraph 11B-35.0024(2)(b), F.A.C., requires students taking the Vehicle Operation Instructor Course to pass the course without remediation. Five students from the March 31, 2008, through April 4, 2008, Vehicle Operations Instructor course at Manatee Technical Institute Law Enforcement Academy were remediated. The petition supports the requested waiver by stating that the students would suffer a substantial hardship, as would the many students that these five have trained, by having their training nullified. The petition further states that such an outcome would violate principles of fairness.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN that on June 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of Rule 11B-18.005, F.A.C., from Region XV on behalf of the Region XV Training Council. Rule 11B-18.005, F.A.C., requires the Region XV Training Council to have members from agencies which no longer have law enforcement functions, or which no longer exist. The petition supports the requested waiver by stating that the agencies which no longer have law enforcement functions or which no longer exist should be permanently removed from the council and the Supreme Court Marshal's Office should be added, because that office performs law enforcement functions.

Petitioner states that the council will suffer a substantial hardship the waiver is not granted, because it has members which no longer engage in law enforcement duties and which no longer exist. These members are voting members without which the council cannot conduct its business. The council

further states that it would also violate principles of fairness to exclude the Supreme Court Marshal's Office from representations on the council.

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

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (SFWMD) hereby gives notice that on June 26, 2012, a request for withdrawal of a Petition for Variance (Application 120514-20) was received from Minnie Grubbe (Grubbe Residence), 775 Milan Court, Marco Island, FL 34145. The property is located in Collier County, Section 8, Township 52 South, Range 26 East. The petition for variance was received by the SFWMD on May 14, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 25, on June 22, 2012. No public comment was received.

A copy of the Order or additional information may be obtained by contacting: The Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search.

The South Florida Water Management District (SFWMD) hereby gives notice that on June 26, 2012, a request for withdrawal of a Petition for Variance (Application 120514-22) was received from Ellen McKinney (McKinney-Kuhn Residence), 1660 Galleon Court, Marco Island, FL 34145. The property is located in Collier County, Section 16, Township 52 South, Range 26 East. The petition for variance was received by the SFWMD on May 14, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 25, on June 22, 2012. No public comment was received.

A copy of the Order or additional information may be obtained by contacting: The Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search.

The South Florida Water Management District (SFWMD) hereby gives notice that on June 26, 2012, a request for withdrawal of a Petition for Variance (Application 120514-23)

was received from James and Sheryl Pepicello (Pepicello Residence), 12540 Oak Bend Drive, Ft. Myers, FL 33905. The property is located in Lee County, Section 31, Township 43 South, Range 26 East. The petition for variance was received by the SFWMD on May 14, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 25, on June 22, 2012. No public comment was received.

A copy of the Order or additional information may be obtained by contacting: The Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search.

The South Florida Water Management District (SFWMD) hereby gives notice that on June 26, 2012, a request for withdrawal of a Petition for Variance (Application 120514-21) was received from Carl Thieme (Thieme Residence), 459 Nassau Court, Marco Island, FL 34145. The property is located in Collier County, Section 16, Township 52 South, Range 26 East. The petition for variance was received by the SFWMD on May 14, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 25, on June 22, 2012. No public comment was received.

A copy of the Order or additional information may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov; or, by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search.

NOTICE IS HEREBY GIVEN that on June 21, 2012, the South Florida Water Management District, received a petition for Variance (Application No. 120621-4) from the Florida Department of Transportation, 719 S Woodland Blvd., Deland, Florida 32720, for a project known as SR 600 Roadway Improvements from Portage Street to Vine Street, located in Osceola County, Sections 16,21,28, Township 25 South, Range 29 East. The petition seeks relief from Section 7.4(d) of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, effective May 20, 2012, which is incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., pertaining to side slopes for wet retention/detention and attenuation areas.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through

Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or, by accessing the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33401, Attn: District Clerk.

For additional information, contact: Jose Gomez, (407)858-6100, ext. 3812 or e-mail: jgomez@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 18, 2012, the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, received a petition for Lost Tree Club, Inc., for a Petition for Variance from, or Waiver, Variance Waiver Number VW 2012-151. Requests that the Department of Business and Professional Regulations, Division of Alcoholic Beverages waive the strict requirements of subsections 61A-2.014(6) and (7) and 61A-3.019(11), Florida Administrative Code. The petitioners implies that the rule imposes a substantial hardship on the Club, because the Club rotates three new officers into its Board of Governors every year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Agency Clerk for Variance Waiver Number VW 2012-151, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that on June 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Adventist HQ Bldg. 2 at 910 Hope Way, Altamonte Springs, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter 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 2012-203).

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.

NOTICE IS HEREBY GIVEN that on June 26, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Enclave Hotel & Suites. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-202).

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.

NOTICE IS HEREBY GIVEN that on June 21, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lake Worth Towers. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and A17.1, Section 8.11.2.1.1(c) and 8.11.2.1.4(b) 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, door restrictors, inspection requirements inside car (operating control devices), and outside hoistway (hoistway doors) 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 2012-198).

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 June 21, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 115 River Drive Condo Assoc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4, 2.2.3, 3.9.1, and 3.10.4, 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, door restrictors, lighting, normal terminal stopping devices, and electrical protective devices 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 2012-199).

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 June 22, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Compson Financial Center. Petitioner seeks a variance of the requirements of ASME A17.3, or 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, that requires upgrading the elevators 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 2012-200).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 26, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Surfwalk Condo, filed March 14, 2012, and advertised in Vol. 38, No. 13, 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 3.10.4(u) 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 emergency stop switch 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 2012-086).

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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 26, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Citadel LTD Partnership, filed May 23, 2012, and advertised in Vol. 38, No. 23, 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 3.11.3, 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 not demonstrated that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-158).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 26, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Palm Beach Prof. Plaza, LLC, filed May 22, 2012, and advertised in Vol. 38, No 23, 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 upgrading the elevators platform guards because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-157).

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

NOTICE IS HEREBY GIVEN that on June 25, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Longboat Yacht and Tennis Club. Petitioner seeks a variance of the requirements of ASME A17.3, (or 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, that requires upgrading the elevator 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 2012-201).

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.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 25, 2012, the Division issued an

order. The Final Order was in response to a Petition for a Variance from Tower Plaza, filed January 6, 2012, and advertised in Vol. 38, No. 5, 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 2012-005).

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 June 25, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Safety Harbor Resort and Spa, filed June 8, 2012, and advertised in Vol. 38, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 15, 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 2012-190).

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 June 25, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Kings Avenue Parking Garage, filed May 16, 2012, and advertised in Vol. 38, No 22 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 2.27.1, ASME A17.1b, 2009 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 car emergency signaling devices operations because petitioner did not explain the hardship, nor means of meeting intent of the code, the Petitioner has not demonstrated

that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-149).

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, (850)488-1133.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on May 22, 2012, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Twin Palms located in Boca Raton, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment at the same location and under the same ownership.

The Petition for this variance was published in Vol. 38, No. 23 on June 1, 2012. The Order for this Petition was signed on June 19, 2012, 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 dishwashing area located within Main Kitchen/Employee Cafeteria (SEA6006822) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the ownership of Main Kitchen/Employee Cafeteria (SEA6006822) changes, the division must be notified immediately and a written agreement provided.

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.

NOTICE IS HEREBY GIVEN that on June 25, 2012, 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(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code, and subsection 61C-4.010(5), Florida Administrative Code, from Pelican Marsh Golf Club Snack Bar located in Naples, FL. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and

sanitizing equipment and utensils are provided. They are requesting to share the mop and three-compartment sinks located within Pelican Marsh Golf Club main kitchen (SEA2102324).

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.

NOTICE IS HEREBY GIVEN that on June 1, 2012, the Construction Industry Licensing Board, file by Jeremy Hauff, received a petition for a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Mukesh Joshi, filed on December 21, 2011. The Notice of Petition for Variance or Waiver was published in Vol. 38, No. 3, of the January 20, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting by telephone conference held on February 16, 2012. The Petitioner was seeking the Variance or Waiver from paragraph 61G15-20.007(1)(b), F.A.C., with respect to the requirement that each applicant for a Florida engineers license must demonstrate the completion of a substantial equivalency for the general education course requirements.

The Board's Order, filed on April 25, 2012, denies the Petition for Variance or Waiver. The Board found that the Petitioner did not demonstrate a substantial hardship and has not demonstrated that principles of fairness have been violated in the application of the rule to the Petitioner as opposed to other similarly situated persons.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303.

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Alan Pang, filed on October 21, 2011. The Notice of Petition for Variance or Waiver was published in Vol. 37, No. 47, of the November 23, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting by telephone conference held on December 7,

2011. The Petitioner was seeking a Variance or Waiver from subsection 61G15-20.007(1), F.A.C., with respect to the requirement that each applicant for a Florida Engineers license must demonstrate the completion of a substantial equivalency for the general education course requirements.

The Board's Order, filed on December 27, 2011, denies the Petition for Variance or Waiver. The Board found that the Petitioner did not demonstrate a substantial hardship and has not demonstrated that principles of fairness have been violated as required by Section 120.542, Florida Statutes.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303.

NOTICE IS HEREBY GIVEN that on June 19, 2012, the Board of Accountancy, received a petition for Rosanne Pelfrey, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on May 25, 2012, the Florida Real Estate Appraisal Board, filed by Lawrence P. Finn, received a petition for Variance or Waiver. The Petitioner is seeking that his disciplinary violation be deemed a minor violation pursuant to Rule 61J1-8.003, F.A.C., pursuant with the Final Order issued by the Florida Real Estate Appraisal Board on February 7, 2006.

Comments on this petition should be filed with the Florida Real Estate Appraisal Board, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on June 25, 2012, the Board of Osteopathic Medicine, received a petition for waiver or variance filed on behalf of Bodo Pyko, D.O., from Rule 64B15-14.0051, F.A.C., with regard to the requirement for 3 years of documented full-time practice for practice in a pain

management clinic. Comments on this petition should be filed with the 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 June 18, 2012, the Board of Physical Therapy Practice, received a petition for a variance or waiver, filed by Seok Hun Kim, PT, PhD, of sub-subparagraph 64B17-3.001(3)(a)1.d., F.A.C., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

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.

The Department of Health hereby gives notice on June 20, 2012, the Department of Health issued an order in response to a petition for a variance filed on April 5, 2012, by Gary S. Duren, representing Highland Tank, regarding "protected steel grease interceptors." Petitioner sought a variance from paragraphs 64E-6.013(1)(d), (1)(f) and (7)(d), Florida Administrative Code, which requires testing to be conducted in the presence of a Florida Licensed Engineer or a department employee; traffic lids to be designed in accordance with ASTM C 890-91; and the maximum volume of any grease interceptor chamber to be 1250 gallons. Notice of the petition was published in the April 20, 2012, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

The Department of Health, Bureau of Radiation Control hereby gives notice that on June 19, 2012, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order. The Order grants and denies, in part, the petition for

variance. The Order grants a variance from subsection 64E-5.426(1), F.A.C., for Lockheed Martin Missiles and Fire Control (Ocala Operations). The petition for a variance was received by the Department on March 26, 2012. Notice of receipt of the petition was published in the Florida Administrative Weekly, on April 13, 2012. Subsection 64E-5.426(1), F.A.C., requires the industrial radiography registrant to maintain enough calibrated radiation survey instruments capable of measuring radiation fields ranging from 2 millirem to 1 rem per hour, for making radiation surveys as required by the regulations. The Lockheed Martin Missiles and Fire Control, Ocala Operations has been granted a variance to subsection 64E-5.426(1), F.A.C., allowing them to use a survey instrument able to measure from 2 mrem per hour to 200 mrem per hour for industrial cabinet systems only and under the condition the survey instrument does not display 0 when it over ranges. The requested variances to Rule 64E-5.428, subsections 64E-5.430(2), 64E-5.433(1), F.A.C., do not demonstrate the substantial hardship requirements specified in Section 28.104.002(g), F.S. Paragraph 64E-5.426(2)(a), subsections 64E-5.429(2), and 64E-5.429(3), F.A.C. do not apply to industrial cabinet systems. Subsection 64E-5.434(5), F.A.C., does not specify the method of instruction required, only the content of the instruction. No variance is needed to use computer based training or to allow instruction to be presented in various formats.

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

NOTICE IS HEREBY GIVEN that on June 20, 2012, the Department of Economic Opportunity, received a petition for waiver from the City of Chiefland. It has been assigned the case number DEO-12-081.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Paragraph 73C-23.0041(1)(c), F.A.C. Requesting a waiver of the \$650,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

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

NOTICE IS HEREBY GIVEN that on June 20, 2012, the Department of Economic Development, received a petition for waiver from the City of Fellsmere. It has been assigned the Case Number: DEO-12-080.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Paragraph 73C-23.0041(1)(c), F.A.C. Requesting a waiver of the \$700,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2012, 2:00 p.m. – until conclusion

PLACE: Pensacola Historic Village, Museum of Commerce, 120 East Church Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Department of State representatives, partners and participants of Viva Florida 500, will present information about Florida's history and detail their activities in anticipation of the 500-year anniversary of the landing of European explorer Juan Ponce de León in 2013. Agenda will be posted on www.fla500.com from July 12, 2012.

A copy of the agenda may be obtained by contacting: Rachel Basan Porter, Special Programs Coordinator, email: rachel.porter@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Basan Porter, Special Programs Coordinator, 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 Basan Porter, Special Programs Coordinator, email: rachel.porter@dos.myflorida.com.

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

DATE AND TIME: July 19, 2012, 6:00 p.m.

PLACE: 2100 W. Tennessee St., Tallahassee, FL 32304