

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 20, May 18, 2012 issue of the Florida Administrative Weekly.

The correction is as follows:

The Purpose and Effect and Summary shall read as:

PURPOSE AND EFFECT: The Board proposes this rule amendment to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

SUMMARY: This rule is being amended to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.006
RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The change is to add an approved medication voted on by the Board at the July 11, 2012 meeting. The rule shall now read as follows:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (8)(b) No change.
(8)(c) 1. through 2. No change.
3. Zioptan - 0.0015%.
(d) through (e) No change.
(9)(a) through (9)(e) No change.
(f) Natamycin Ophthalmic Suspension 5%.

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-1.002
RULE TITLE: Biomedical Research Grant Applications

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.019
RULE TITLE: Policies and Endorsements Covering Employees Engaged in Work in Florida

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 27, July 6, 2012 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on July 9, 2012, the Department of Transportation, received a petition for waiver from the City of Umatilla. The City is requesting the provisions of Rule 14-43.001, F.A.C., regulating set-back requirements for signs and overhanging structures along state highways be permanently waived for the construction of a third floor balcony for a pre-existing structure along State Road 19 in Umatilla, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS #58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission hereby gives notice that Utilities, Inc.'s petition for variance or waiver from paragraphs 25-30.030(4)(c), (5), (6), (7), and paragraphs

25-30.037(3)(i), (j) and (k), Florida Administrative Code, filed April 13, 2012, in Docket No.: 120084-WS was approved in part by the Commission by Order No.: PSC-12-0340-PAA-Ws, issued June 28, 2012, consummated by Order No. PSC-12-0377-CO-WS, issued July 20, 2012. The rules address, respectively, the noticing requirements for a transfer of majority organizational control and the information and documents that must be filed for such a transfer. The petition for waiver of paragraphs 25-30.030(4)(c), and 25-30.037(3)(i) and (k), Florida Administrative Code, was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Because Utilities, Inc. complied with the requirements of subsections 25-30.030(5), (6) and (7), Florida Administrative Code, the request for waiver of this rule was deemed moot and no waiver was required. As regards waiver of paragraph 25-30.037(3)(j), Florida Administrative Code, the waiver was granted except for Tariff Sheet 3.0, which was still required to be filed. Notice of the petition was published in the F.A.W. on May 11, 2012.

A copy of the Order or additional information may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on July 17, 2012, the Suwannee River Water Management District, received a petition for variance from Columbia County Board of Commissioners, P. O. Box 1529, Lake City, FL 32056, pursuant to Section 120.542, F.S. Petitioner is seeking variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner states that the existing Bridge site is in need of repair due to eroding banks from misuse and this would improve water quality and reduce sedimentation. The project is located in Columbia County, Township 1 North, Range 16 East, Section 36. These rules are intended to set forth criteria for development activities within a Work of the District. The petition has been assigned ERP Number 12-0071, Cone Bridge Boat Ramp Improvements.

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.

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The South Florida Water Management District hereby gives notice that on July 20, 2012, the Executive Director of the South Florida Water Management District (SFWMD or District) issued an Order Granting Variance under Section 120.542, Florida Statutes, (SFWMD 2012-080-DAO-ERP) to the Florida Department of Transportation (FDOT), concerning 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 for Variance (Application No. 120621-4) was received by the SFWMD, June 21, 2012. Notice of receipt of the Petition was published in the Florida Administrative Weekly, Vol. 38, No. 27, on July 6, 2012. No public comment was received. This Order provides a variance for proposed roadway and drainage improvements to SR 600 (John Young Parkway) from north Vine Street to Portage Street, within the City of Kissimmee in Osceola County, Florida. The particular criterion from which the variance is sought is found at Section 7.4(d) of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review or BOR), which is incorporated by reference in Rule 40E-4.091, Florida Administrative Code. This criterion provides, in general, that for purposes of public safety, water quality enhancement, and maintenance, all wet retention/detention areas shall be designed with side slopes no steeper than 4:1 (horizontal:vertical) from top of bank out to a minimum depth of two feet below the control elevation, or an equivalent substitute. The Order sets forth the basis of the SFWMD decision to grant the variance, as follows: 1) the variance is necessary to prevent a substantial economic hardship on FDOT; and 2) the purpose of the underlying rule has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: 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](mailto:permits@sfwmd.gov) or by accessing the District's website ([www.sfwmd.gov](http://www.sfwmd.gov)) using the Application/Permit Search on the ePermitting page.

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NOTICE IS HEREBY GIVEN that on July 16, 2012, the South Florida Water Management District (District), received a petition for waiver from Richard Steve Singletary and John H. Singletary, Jr., Application No. 12-0716-4, for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Miami-Dade and Collier Counties, for utilization of approximately 22.5 miles of L-28 for temporary access to and from the applicant's property. The petition seeks relief from subsection 40E-6.221(9), Florida Administrative Code, which governs that the applicant must own or lease the land adjacent to or served by the portions of the Works and Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268 or e-mail: [jurussel@sfwmd.gov](mailto: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 the South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on July 18, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Palmer College. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1) & (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 steel ropes of a minimum diameter of 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 2012-236).

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

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NOTICE IS HEREBY GIVEN that on July 20, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Heartland of St. Pete. 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 2012-239).

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 July 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tradition Hospital. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20.4, and 2.24.2.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes and grooved sheaves of a minimum pitch diameter 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 2012-240).

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

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NOTICE IS HEREBY GIVEN that on July 18, 2012, 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 Divine Nutrition located in Daytona Beach Shores, FL. 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 share the bathrooms located within an adjacent establishment for use by customers 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.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on June 26, 2012. The Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 61C-4.010(6), (7) Florida Administrative Code, from Fresh Bistro To Go located in New Smyrna Beach, FL. 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 share the bathrooms located within an adjacent establishment for use by customers only.

The Petition for this variance was published in Vol. 38, No. 28 on July 13, 2012. The Order for this Petition was signed on July 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 bathrooms located within Sophie's Pet Food Pantry are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Sophie's Pet Food Pantry changes, an updated, signed agreement for use of the bathroom facilities is required immediately.

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

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on June 26, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code and Section 6-402.11, 2001 FDA Food Code from The Garden located in Orlando, 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 Petition for this variance was published in Vol. 38, No. 28 on July 13, 2012. The Order for this Petition was signed on July 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 bathrooms located within Sunoco Gas Station and Convenience Store are maintained in a clean and sanitary manner, have hot and cold running water under pressure, soap, approved hand drying devices and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed in the establishment clearly stating the location of the bathrooms. If the property owner (Abbas Sabbah) changes, an updated, signed agreement for use of the bathroom facilities is required immediately.

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

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The Construction Industry Licensing Board hereby gives notice that the petition filed by Richard J. Porcelli, Thunderbolt Construction Services, on April 23, 2012, seeking a variance or waiver of Rule 61G4-15.006, Florida Administrative Code, has been withdrawn. The Notice of Petition published in Vol. 38, No. 19, of the May 11, 2012, issue of the Florida Administrative Weekly.

A copy of the Order or additional information may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that on July 16, 2012, the Board of Professional Engineers, received a petition for Variance or Waiver, filed by John D. Rice. The Petitioner seeks the Variance or Waiver from Rule 61G15-21.004, F.A.C., with respect to the required passing grade for the Principles and Practice Examinations.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with the Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303-5268, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, at the above address or telephone (850)521-0500.

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NOTICE IS HEREBY GIVEN that on July 17, 2012, the Board of Accountancy, received a petition for Katherine Currey, 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. In the event all four test sections of the CPA Examination are not passed with the rolling eighteen-month period, credit for any test section(s) passed outside the eighteenth-month period will expire and that test section(s) must be retaken.

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

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NOTICE IS HEREBY GIVEN that on July 17, 2012, the Florida Real Estate Appraisal Board, received a petition for permanent waiver or variance of Rule 61J1-4.009, F.A.C., file by Brian Lee Roper, in regards to the hour requirements for continuing education for registered trainee appraisers.

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.

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**DEPARTMENT OF HEALTH**

The Board of Nursing Home Administrators hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Shea Nicosia. The Notice of Petition for Variance or Waiver was published in Vol. 37, No. 27, of the July 8, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2011. The petition requested a waiver or variance from the requirement imposed by Rule 64B10-11.007, Florida Administrative Code, with respect to the courses required to fulfill the 60 semester hour requirement for licensure.

The Board's Order, filed on September 20, 2011, denies the Petition for Variance or Waiver of Rule 64B10-11.007, Florida Administrative Code. Petitioner has complied with the requirements of Section 120.542, Florida Statutes and Chapter 28-104, Florida Administrative Code. However, Petitioner has not demonstrated that she has met, or will meet, the underlying purpose of the statute by other means, and that she has failed to show either a substantial hardship or that the application of the rule to Petitioner would violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation hereby gives notice of the entry of an Order Granting a Petition for Waiver or Variance

NAME OF THE PETITIONER: PASCO CWHIP PARTNERS, LLC

DATE PETITION WAS FILED: June 19, 2012

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.020(6) and 67-58.070(6), F.A.C., which allows 14 months from the date of the acceptance letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 29, 2012, Vol. 38, No. 26.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: July 20, 2012

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone: (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: floridahousing.org.

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

**DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, August 14, 2012, 11:00 a.m. – 1:00 p.m.

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Committee Meeting.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Florida Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2012, 1:00 p.m. – 3:00 p.m.