

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: December 28, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on December 20, 2011, the Department of Economic Opportunity, received a petition for waiver from the City of Lynn Haven. It has been assigned the case number DEO-11-0052. THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER IS SOUGHT: Paragraph 9B-43.0041(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.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on December 20, 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 Columbia County Sheriff's Office on behalf of eight officers for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008 – 6/30/2010) 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 eight officers at issue did successfully complete the course of fire, however, the instructors supervising the requalifications were not CJSTC-certified firearms instructors. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised the 2008 and 2010 mandatory firearms requalifications for the officers.

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

NOTICE IS HEREBY GIVEN that on December 20, 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 Davenport Police Department on behalf of 16 officers for the 2008 (7/1/2006 – 6/30/2008) reporting period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the 16 officers at issue did successfully complete the course of fire, however, the instructors supervising the requalifications were not CJSTC-certified firearms instructors. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised the 2008 mandatory firearms requalifications for the 16 officers.

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

NOTICE IS HEREBY GIVEN that on December 20, 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 Gretna Police Department on behalf of two officers for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue attempted to comply, and in one instance, did physically comply with the requirements of the rule. Petitioner states that the officer will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that one officer did successfully complete the requirement but could not produce a CJSTC 86A form and the other officer did not have an opportunity to complete training at her full-time employment and her part-time employment was unaware of the situation.

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 20, 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 Panama City 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 before a non-CJSTC-certified firearms instructor, but had achieved successful scores as reported on the CJSTC 86A form. 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 instructor supervising his requalifications was not a CJSTC certified firearms instructor.

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

DEPARTMENT OF TRANSPORTATION

The Department of Transportation hereby gives notice that on December 8, 2011, the Department entered an Order Granting Waiver from Section 4.5.2, of the Utilities Accommodation Manual, incorporated by reference in Rule 14-46.001, F.A.C., (Section 4.5.2). On September 12, 2011, Ramco Duval TRS, LLC (Ramco) filed a petition seeking a permanent waiver of Section 4.5.2 which requires mitigation for trees or shrubs irreparably damaged or destroyed during utility work on the right of way. Notice of the Petition for Waiver was published in the September 23, 2011, edition of the Florida Administrative Weekly. Ramco has demonstrated that the purpose of the statute underlying Section 4.5.2 can be achieved by providing mitigation for the removal of trees to the City of Jacksonville.

A copy of the Order or additional information may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of

Transportation, Office of the General Counsel, 605 Suwannee Street, M.S. #58, Tallahassee, Florida 32399-0458, email: deanna.hurt@dot.state.fl.us.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on November 17, 2011, the Agency for Health Care Administration, received a petition for Variance or Waiver of sub-sub-subparagraph 59A-1.005(1)(a)2.g.3, Florida Administrative Code, from Ozburn-Hessey Logistics, LLC. The petition requests a variance of rule provisions requiring the tissue bank's medical director to have medical licensure in the state in which the tissue bank is incorporated. The specific provision on which the waiver is sought is sub-sub-subparagraph 59A-1.005(1)(a)2.g.3, Florida Administrative Code. The Petitioner in its request seeks a permanent variance from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on December 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for North Florida Regional Healthcare in Gainesville, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.7.2.25.2(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 fire control operating panel, an auxiliary brake and 48" platform guard which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-420).

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 December 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Osceola County Parking Garage in Kissimmee, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph

61C-5.001(1)(a), Florida Administrative Code, that requires a minimum rope diameter of 9.5 mm and metal sheaves which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-421).

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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on November 28, 2011, the 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 located in Miami. 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. 37, No. 50 on December 16, 2011. The Order for this Petition was signed on December 22, 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 bathrooms located within 24 N.W. 29th Street, Miami, Florida, 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 ownership (Miguel Angel Cruz-Pereaza) of said building 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.

NOTICE IS HEREBY GIVEN that on December 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lake Worth Casino. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.10.2.1 and 2.4.6.2(c) as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a

solid car top rail and 6 inches clearance above the equipment in the hoistway 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 2011-419).

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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on December 2, 2011, the 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 located in Miami Beach. 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 Petition for this variance was published in Vol. 37, No. 50 on December 16, 2011. The Order for this Petition was signed on December 22, 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 on the level above are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within and outside the establishment 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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on November 30, 2011 the 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 Petition for this variance was published in Vol. 37, No. 50 on December 16, 2011. The Order for this Petition was signed on December 22, 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 bathroom located within 935 N. Beneva Road, Unit #705 are maintained in a clean and sanitary manner and are provided with 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 within or outside the establishment clearly stating the location of the bathrooms. If the ownership of 935 N. Beneva Road, Unit #705 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.

The Electrical Contractors' Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance which was filed on October 10, 2011, by Roger Diaz. The Notice of Petition for Variance/Waiver was published in Vol. 37, No. 42, of the October 21, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance from Rule 61G6-6.017, Florida Administrative Code, entitled, "Duration of Examination Scores," which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination. The Board considered the instant Petition at a duly-noticed public meeting, held November 16-18, 2011, in Gainesville, Florida. The Board's Order, filed on December 14, 2011, granted the petition, finding Petitioner had demonstrated that application of the rule to his circumstances would violate the principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on December 15, 2011, the Board of Chiropractic Medicine, received a petition for Bruce Harris. The petitioner is seeking a waiver or variance of subsections 64B2-13.004(1) and (2), Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education and that

only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources** and the **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: January 18-19, 2012, 9:00 a.m. – conclusion

PLACE: Heritage Hall Auditorium, Room 307, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public review and ranking of the 2013 Small Matching Historic Preservation Grant applications.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff via telephone at 1(800)847-7278, via email: bhpgrants@flheritage.com, or by visiting: www.flheritage.com/grants.

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: Grants Staff via telephone at 1(800)847-7278, via email: bhpgrants@flheritage.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).

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: Grants Staff via telephone at 1(800)847-7278, via email: bhpgrants@flheritage.com.

The Florida **Department of State, Division of Library and Information Services** announces a meeting of the State Library Council Governmental Affairs Subcommittee via conference call. All persons are invited.