DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:

69W-301.002 Processing of Applications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the above proposed rule published in Vol. 38, No. 13, March 30, 2012 issue of the Florida Administrative Weekly.

69W-301.002 Processing of Applications.

(1) through (7) No change to proposed amendments. PROPOSED EFFECTIVE DATE APRIL 25 23, 2012

Rulemaking Authority 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS. Law Implemented 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.161(5) FS. History-Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, 11-22-10, 4-25-12

Section IV **Emergency Rules**

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on April 12, 2012, the Florida Public Service Commission, received a petition for the Florida Division of Chesapeake Utilities Corporation in Docket No. 120081-GU, seeking waiver from paragraph 25-7.045(8)(a), Florida Administrative Code. The rule requires companies to file a depreciation study at five year intervals. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Caroline Klancke, Office of the General Counsel, at the above address or telephone (850)413-6220.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 16, 2012 the South Florida Water Management District (District), Governing Board issued an Order Granting Variance under Section 120.542, Fla. Stat., (Order No. 2012-047-DAO-WU) to Elizabeth Thomasco in Palm Beach County. The Petition for Variance (Application No. 120119-14) was received by the District on January 19, 2012; additional information was requested on February 13, 2012, and the requested information was provided on February 16, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 12, on March 23, 2012. No public comment was received. Specifically, the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the Petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting: The South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, (561)682-6911 or 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.

NOTICE IS HEREBY GIVEN that on April 18, 2012, the South Florida Water Management District (District), received a petition for waiver from Brian Rayfield, Application No. 11-0818-3, for utilization of Works or Lands of the District known as the C-16 Canal for an existing boat dock within the south right of way; Section 22, Township 45 South, Range 43 East, Palm Beach County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum required low member elevation of pile-supported docking facilities within 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 at 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on April 18, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Plaza 300 Associates LLC. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, restricted door openings and platform guards 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 2012-119).

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 April 20, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Baptist Medical Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.7.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a minimum of 18" around the governors 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 2012-120).

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 April 20, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Valencia Building Four. Petitioner seeks an emergency 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 suspension and governor ropes be no less than 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the

publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-121).

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 April 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for FAMU – Gore Educational Bldg. Petitioner seeks an emergency 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 suspension and governor ropes be no less than 9.5mm 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 2012-122).

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 April 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for IOA Properties – Tampa. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1)(a), Florida Administrative Code that requires restricted door openings and platform guards 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 2012-123).

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 April 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for IOA Properties – Longwood. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings and platform guards 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 2012-124).

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 April 24, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for PLACE. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Sections 3.11.3, 2.7.4 and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, restricted door openings and emergency communication 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

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 April 20, 2012, 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(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code, paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Administrative Code from JR's Rib Shack located in Rockledge. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater; at least one accessible bathroom for use by customers and employees, at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water, dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils and an area for food prepararion. They are requesting to have holding tanks and share bathroom, mop sink, warewashing and food preparation areas located within Clayton's Crab Company (Firm #18773). 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 March 30, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Crust Artisan Bakery located in Santa Rosa Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the front handwash sink.

The Petition for this variance was published in Vol. 38/15 on April 13, 2012. The Order for this Petition was signed on April 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 wastewater holding tanks for the handwash sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the front handwash sink is provided with hot and cold running water under pressure; and equipped with soap, approved hand drying device and a handwashing sign.

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 April 16, 2012, the Board of Accountancy, received a petition for William H. Cunningham, seeking a variance or waiver of paragraphs 61H1-27.002(2)(a) and (b), Florida Administrative Code, which require that an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows: 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation; 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts.

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 at the above address, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 16, 2012, the Board of Accountancy, received a petition for Ryan S. Taylor, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

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 at the above address, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 20, 2012, the Board of Medicine, received a petition for waiver or variance filed on behalf of H. Alex Spratt, M.D., from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the applicant's Medical Faculty Certificate application. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on April 23, 2012 the Board of Osteopathic Medicine gives notice an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Taryn Silverstein, D.O., on February 23, 2012, seeking a waiver or variance from Rule 64B15-13.001, F.A.C., with regard to the requirement for live, participatory continuing medical education (CME) attendance. The Notice was published in Vol. 38, No. 10, of the Florida Administrative Weekly, on March 9, 2012. The Board, at its meeting held on March 26, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial

hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056.

NOTICE IS HEREBY GIVEN THAT on April 19, 2012 Board of Psychology gives notice an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Erin Laura Demirjian, Psy.D., on January 4, 2012, a waiver or variance from subsection 64B19-11.0075(2), F.A.C., with regard to closing the application file after 24 months if the applicant is unable to document successful completion of the Examination for Professional Practice in Psychology. The Notice was published in Vol. 38, No. 9, of the Florida Administrative Weekly, on March 2, 2012. The Board, at its meeting held on March 23, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

NOTICE IS HEREBY GIVEN THAT on April 19, 2012 the Board of Psychology an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Kenneth F. Johnson, Jr., on January 19, 2012, seeking a waiver or variance from subsection 64B19-11.0075(2), F.A.C., with regard to closing the application file after 24 months if the applicant is unable to document successful completion of the Examination for Professional Practice in Psychology. The Notice was published in Volume 38, No. 9, of the Florida Administrative Weekly, on March 2, 2012. The Board, at its meeting held on March 23, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

NOTICE OF WITHDRAWAL

The Board of Osteopathic Medicine hereby gives notice that the Petition for Emergency Variance filed by Joe W. Morgan, D.O., has been withdrawn, upon request of the Petitioner. The Notice of Petition for Emergency Variance was published in Vol. 38, No. 10, of the March 9, 2012, issue of the FAW. The person to be contacted regarding this Petition is: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, at the above address, or telephone (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on April 19, 2012, the Board of Medicine gives notice an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Mary Colleen Morgan, Psy.D., on February 20, 2012, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirements of the rule regarding appropriate supervised experience. The Notice was published in Vol. 38, No. 9, of the Florida Administrative Weekly, on March 2, 2012. The Board, at its meeting held on March 23, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

NOTICE IS HEREBY GIVEN that on April 9, 2012, the Department of Health, Bureau of Radiation Control, received a petition for the St. Lucie County Sheriff's Office. The peitioner is seeking a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., which 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Philip Thoma, Environmental Health Program Consultant, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, FL 32073, (904)278-5730. Comments on this petition should be filed with the Bureau of Radiation Control within 14 days of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Division of Historical Resources, Historic Preservation Grants Program announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, May 15, 2012, 10:00 a.m., EST. PLACE: Webinar (telephone and online). To register for this webinar, visit www.flheritage.com/grants.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The webinar will provide an overview of the Small Matching Grants Program, a review of the Online Application including

the application attachments and signature pages, a discussion of the requirements for submission of the application. The webinar will also explain the application review process and the procedures for funding the grant project proposals. A question and answer session will conclude the webinar. Applicants for this grants cycle are strongly encouraged to attend this free webinar.

A copy of the agenda may be obtained by contacting: Grants staff via telephone at 1(800)847-7278, via email at bhpgrants@flheritage.com, or visiting bv 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 1 day before the workshop/meeting by contacting: Grants staff via telephone at 1(800)847-7278, or via email at 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 1(800)847-7278, via email at bhpgrants@flheritage.com, or by visiting www.flheritage.com/grants.

DEPARTMENT OF AGRICULTURE AND CONSUMER **SERVICES**

The Florida Agriculture in the Classroom, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 24, 2012, 10:00 a.m.

PLACE: Indian River Citrus League, 7925 20th St., Vero Beach, FL 32966

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom Board, of Directors will hold a regularly scheduled board meeting

A copy of the agenda may be obtained by contacting: gaskalla@ufl.edu.

For more information, you may contact: gaskalla@ufl.edu.

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 15, 2012, 4:00 p.m.

PLACE: Florida Agriculture Center and Horse Park Authority, 11008 South Highway 475, Ocala, Florida 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting of the Executive Committee is to discuss general board business.