

(j) Transfers of prescription drugs, during the pendency of a declared emergency, by or on behalf of the Department of Health to a community pharmacy authorized to purchase prescription drugs, for dispensing to persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health, provided that the community pharmacy transfers such un-dispensed prescription drugs back to the Department of Health Central Pharmacy as described in a written agreement.

(2) The revocation of a sale or the return of a prescription drug purchased by a hospital or other health care entity, or acquired at a reduced price by or donated to a charitable institution to the manufacturer or the wholesale distributor that sold, donated, or supplied the prescription drug, is not a wholesale distribution prohibited by Section 499.005(21), F.S., provided:

(a) The hospital, health care entity or charitable institution forwards a copy of the documentation for the return to the manufacturer of the product. This documentation must at a minimum comply with the requirements of Rule 64F-12.012, F.A.C.; and

(b) The value of any credit, refund, or exchange for the returned product does not exceed the purchase price or, if a donation, the fair market price of the returned product.

(c) Prescription drugs returned or to be returned to a manufacturer or wholesale distributor must be kept under proper conditions for storage, handling, and shipping as set forth in Section 499.0121, F.S.; and written documentation showing that these conditions were or were not maintained must be provided to the manufacturer or wholesale distributor to which the prescription drugs are returned.

(3) A person authorized to possess non-dispensed prescription drugs can donate prescription drugs that are not misbranded or adulterated to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs provided the transfer is not for sale or trade and the donor receives no financial benefit (except for tax benefits related to charitable contributions) either directly or indirectly. Records to document the transfer must comply with Section 499.0121(6), F.S., and paragraph 64F-12.008(2)(c), F.A.C.

(4) A person who uses prescription drugs for lawful research, teaching, or testing may obtain a registration number from the department to authorize acquisition of the requisite prescription drugs for this activity. The person must submit correspondence to the department explaining the conditions of the lawful research, teaching, or testing, along with a statement signed by the individual who will be responsible for the prescription drugs that the drugs will be secured, access will be restricted to authorized individuals, and that the prescription drugs are not for resale. If applicable, this correspondence

should also identify the name in which purchases will be made, the specific prescription drug(s) required for the activity, the quantity which will ordinarily be purchased, the frequency of the purchases, and the name and state permit or license or permit number of suppliers of the prescription drugs. A letter and registration number will be assigned to the person which authorizes the purchase or other acquisition and possession of prescription drugs. This registration number must be included on invoices as required by Section 499.0121(6)(a), F.S.

Rulemaking Specific Authority 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.012, 499.014, 499.03 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, 10-4-07, 9-11-09.

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: September 11, 2009

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Criminal Justice Standards and Training Commission, received a petition for a waiver of portions of subsections 11B-27.002(4) and 11B-35.002(2), (7), F.A.C., by Joseph Gagliardi. The Petitioner wishes to waive those portions of the rules requiring candidates attending cross-over training to be Commission certified before beginning cross-over training or to have passed basic recruit training and have passed the State Officer Certification Examination prior to entry into the cross-over training program. Copies of the petition may be obtained from: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on September 14, 2009, the Southwest Florida Water Management District, received a petition for rule variance from the City of Tampa. The City of Tampa seeks a variance from sub-subparagraphs 40D-80.073(4)(b)3.a. and 40D-80.073(4)(b)3.b., F.A.C., relating to the Lower Hillsborough River MFL Recovery Strategy. The variance would allow a one year time extension for completion of certain weir modifications.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211.

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) has issued an order.

SFWMD Order No. 2009-222-DAO-ROW was issued to North Springs Improvement District (Application No. 09-0108-4). The petition for waiver was received by the SFWMD on June 22, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 26, on July 2, 2009. No public comment was received. An amended petition for waiver was received by the SFWMD on August 4, 2009. Notice of receipt of the amended petition was published in the Florida Administrative Weekly, Vol. 35, No. 33, on August 21, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the proposed installation of a 48" steel pipe and to allow an existing 48" steel pipe with above-ground control valves through the east right of way of L-36 at Petitioner's Pump Station No. S-38B, located approx. 4.7 miles south of the L-36/L-40 confluence; Section 18, Township 48 South, Range 40 East, Broward County. Specifically, the Order grants a waiver from subsection 40E-6.011(4) and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and which governs the crown elevation for culvert pipe connections within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No. 2009-223-DAO-ROW was issued to Albert M. Palmer (Application No. 09-0619-1). The petition for waiver was received by the SFWMD on July 17, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 5, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the temporary utilization of L-28 Canal for traveling to and from property located 1.3 miles from L-28 in Collier County; Section 36, Township 52 South, Range 34 East, Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the requirement that, except for private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary use will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No. 2009-224-DAO-ROW was issued to Steven Patrick Barreto (Application No. 09-0619-2). The petition for waiver was received by the SFWMD on July 17, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 5, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the temporary utilization of L-28 Canal for traveling to and from property located 1.3 miles from L-28 in Collier County; Section 36, Township 52 South, Range 34 East, Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code,

and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the requirement that, except for private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary use will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on July 30, 2009, the Agency for Health Care Administration has issued an order.

A Final Order denying the Petition for Waiver from Rule 59A-7.020, F.A.C., filed by DVA Laboratory Services Inc., on June 3, 2009 has been issued. The Agency issued its Order on July 23, 2009, and a Corrected Order on July 30, 2009. The corrected Order informed DVA of the administrative procedures required to challenge the Agency's action only. The Petition was assigned Agency Case Number 2009000045. Subsection 59A-7.020(15), Florida Administrative Code deals with actions by facilities that can be considered kickbacks. The following is a summary of the agency's Order on the petition: The Agency for Health Care Administration has issued a Final Order declaring that DVA's request for waiver did not show that DVA had a substantial hardship.

A copy of the Order may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Gary Glass on behalf of The Inn on the Beach in Longboat Key, FL, License Number 31302-31306, 32333, 32334 & 33440 (VW 2009-394).

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 August 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from William Snyder on behalf of Library Lakes Condominium, License Number 12402 (VW 2009-395).

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 August 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1, 3.9.1, 3.3.2, 3.10.4(t) and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, normal terminal stopping devices, emergency signaling devices, in car stop switch, platform guards and restriction of doors from William Snyder on behalf of Library Lakes Condominiums, License Number 12402 (VW 2009-396).

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 August 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Steven Grekowicz on behalf of Seaplace in Longboat Key, FL, License Number 22641, 22642, 24920, 24921, 25167, 26460, 26461, 26765 & 26766 (VW 2009-397).

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 August 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Marilyn Ward on behalf of Beau Monde in St. Petersburg Beach, FL, License Number 10018-10019 (VW 2009-398).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unspecified codes requiring the gate valves be replaced from Richard Nickerson on behalf of Tamberlane Condominium (License Numbers 4625 and 4859 (VW 2009-400).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unspecified rules from Chuck O'Grady on behalf of FIMC in Sarasota, FL, License Numbers 917 & 37578 (VW 2009-401).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires restricted door openings from Sandra J. Ballestra on behalf of One Tampa City Center in Tampa, FL, License Numbers 30239-30246, 30379-30388, 30391-30393 (VW 2009-404).

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 August 12, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a petition for a variance from Rules 2.20.1, 2.20.9 & 2.24.2, ASME A171, 2005 edition as adopted by Chapter 3001.2, Florida Building Code as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires steel ropes, specific wedge shackles with non welded terminations and grooved sheaves of a minimum pitch. The request was received from Patricia J. Serley on behalf of National Flight Academy in Pensacola, FL, (VW 2009-409).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3,

A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from John T. Coleman on behalf of Terraces Condominium Association, Inc. in Naples, FL, License Number 36963-36965 (VW 2009-416).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unknown sections of ASME A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., from Rodney Vick on behalf of Jupiter Cove Condominium in Jupiter, FL, License Numbers: 28202-20205, 35637 & 35638 (VW 2009-417).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires car emergency signaling devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 10632 & 10689 (VW 2009-418).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, 3.11.1, 3.10.3, 3.3.2, and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires fire fighter service Phase I and II, two-way communication, platform guards, top of car operating devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 22529-22532 (VW 2009-419).

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.

NOTICE IS HEREBY GIVEN THAT on August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1, 3.10.3, 3.3.2, and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires two-way communication, platform guards, top

of car operating devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 22529-22532 (VW 2009-420).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Robert Magrath on behalf of Horizons Office Center in West Palm Beach License Number 36182 & 36183 (VW 2009-421).

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.

NOTICE IS HEREBY GIVEN THAT on August 14, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1 and 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and two-way communication from Keith Rogers on behalf of City of Tampa, FL, License Numbers: 24625 & 24626 (VW 2009-422).

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 August 14, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Christie L. Crosby on behalf of 901 Maitland Building in Maitland, FL, License Number 36570-36573 (VW 2009-423).

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 August 28, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and

restricted door openings from Karen J. Cochran on behalf of The Islander Condominium Association in Clearwater, FL, License Number 10852 & 10886 (VW 2009-449).

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 August 31, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from William Snyder on behalf of The Mirosol Apartments in Tampa, FL, License Numbers 17798 & 17800 (VW 2009-450).

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 September 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from unspecified rules in A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., from John Nolan on behalf of Emerald Beach Apartment Condominium in Marco Island, FL (VW 2009-451).

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 September 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.3.2, 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, platform guards and restriction of doors from William Snyder on behalf of Lido Surf and Sand Condominium License Numbers 23191 and 23192 (VW 2009-452).

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 September 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rules 2.20.1, 2.20.9 & 2.24.2, ASME A171, 2005 edition as adopted by Chapter 3001.2, Florida Building Code as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires steel ropes, specific wedge shackles with non welded terminations and grooved sheaves of a minimum

pitch. The request was received from Colleen Ansell on behalf of First United Methodist Church of Orlando, FL (VW 2009-453).

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 September 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Oslec B. Fernandez on behalf of Tampa General Hospital in Tampa, FL, License Number 21435, 11259, 10315, 10316, 10317, 24552 & 24551 (VW 2009-454).

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 September 3, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from John McNaughton on behalf of Cove Cay Village I Condominium Association, Inc. in Clearwater License Number 10713-10716, 10333 & 10745 (VW 2009-456).

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 September 15, 2009, 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 Sunnibunni Frozen Yogurt & Organic Fruit Smoothies located in Lakewood Ranch, 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 utilize bathrooms located within 300 feet in an adjacent business located within the same strip mall.

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 September 15, 2009, the Construction Industry Licensing Board, received a petition for waiver or variance from Timothy P. Atkinson, Esq., on behalf of Henry J. Free, of subsection 61G4-15.001(2), F.A.C.,

dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing, or a licensed building official.

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

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, P. O. Box 5257, Tallahassee, FL 32399-5257, within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 21, 2009, the Board of Chiropractic Medicine, received a petition for Dr. Heather Beckett, D.C., seeking a variance or waiver of subsection 64B2-13.004(2), Florida Administrative Code, which requires 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: Joe Baker, Jr., 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.

NOTICE IS HEREBY GIVEN THAT on August 27, 2009, the Board of Massage Therapy, received a petition for waiver or variance, of Rule 64B7-29.002, F.A.C., filed by Kristin Farrell requiring Petitioners to apprentice with a massage establishment containing a whirlpool bath, sauna, steam cabinet and/or steam room.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address, or at (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on September 9, 2009, the Department of Health, received a petition for variance from Daniel Hernandez, Esq., representing Infiltrator Systems, Inc. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), Florida Administrative Code, which requires innovative system testing to be completed before alternative

system component and design approval is granted and that the request for approval include the results of the innovative testing.

A copy of the Petition for Variance or Waiver 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.

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Department of Health, received a petition for Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Nova Southeastern University New Lower School, located at 3301 College Avenue, Fort Lauderdale, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Department of Children and Families, received a petition for waiver, of subsection 65C-15.017(2), Florida Administrative Code, from Rene J. Bowen, assigned Case No. 09-031W. Subsection 65C-15.017(2), F.A.C., require agency staff responsible for supervision shall have a master's or bachelor's degree in social work or a related area of study from accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(5)(j)3., F.A.C., from Scott Michael Whitmire, assigned Case No. 09-032W. Paragraph 65C-13.030(5)(j)3., F.A.C., states the licensed out-of-home caregiver shall not have driving violations less than 5 years old on file with the Department of Motor Vehicles, which relate to driving under the influence of alcohol or drugs.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on April 13, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for received from Jason Velez a petition for variance from subparagraph 69B-211.042(10)(a)6., Florida Administrative Code, which rule implements Section 626.621, et seq., Florida Statutes. The petition requested a variance with regard to the "other mitigating factors" provision of this rule which sets forth restrictions on the licensure of persons who have been found guilty of or have pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of one year or more. The petitioner contended that strict application of the rule would produce an inequitable result without taking into account that the petitioner can demonstrate reformation of character and rehabilitation, based on the probability that the propensity to commit illegal conduct has been overcome.

A copy of the Petition for Variance or Waiver may be obtained by contacting: DFS Agency Clerk, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0390, within 14 days of publication of this notice.

A copy of the petition may be obtained by contacting: Julie Jones, Division of Legal Services, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)413-4177.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
- Office of Insurance Regulation
- Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection