

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. The Division of Risk Management has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature.”

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on August 25, 2011, the Department of Community Affairs, received a petition for waiver from the Suwannee County Board of County Commissioners. It has been assigned the number DCA11-WAI-181.

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 \$750,000 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 Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on September 15, 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 Canaveral Port Authority Police Department on behalf of one officer for the 2008-2010 (7/1/2008 – 6/30/2010) 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. The petition supports the requested waiver by stating that the officer did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2010 reporting cycle. 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 the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2010 reporting cycle.

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.

NOTICE IS HEREBY GIVEN that on September 8, 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 Clewiston Police Department on behalf of Officer Curtis Clay for the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/2008 – 6/30/10) mandatory firearms requalification reporting cycles. 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 instructed by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that Officer Clay is a CJSTC-certified firearms instructor and that he did successfully complete the course of fire, however, the instructor utilized by the Petitioner during the 2006-2008 and 2008-2010 reporting cycles to supervise Officer Clay’s firearms requalification was not a CJSTC-certified firearms instructor. Petitioner states that Officer Clay 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 Officer Clay did successfully complete the requirement simply because his CJSTC form 86A was not signed by a CJSTC-certified firearms instructor during the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/08 – 6/30/10) reporting cycles.

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.

NOTICE IS HEREBY GIVEN that on September 9, 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 Glades County Sheriff’s

Office on behalf two deputies. 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 instructed by CJSTC-certified firearms instructors. The petition supports the requested waiver by stating that one deputy's paperwork for the 2006-2008 reporting period (July 1, 2006 – June 30, 2008) is missing, however, the deputy has since successfully requalified twice. The second deputy's CJSTC form 86A, which showed a successful requalification score, was signed by a non-CJSTC certified firearms instructor for the 2008-2010 reporting cycle (July 1, 2008 – June 30, 2010). Petitioner states that these two deputies 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 deputies did successfully complete the firearms requalification requirement simply because the paperwork was misfiled in one case and the instructor was not CJSTC certified in the other.

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.

NOTICE IS HEREBY GIVEN that on September 9, 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 the Monticello Police Department on behalf of two current and former officers. 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 instructor signed his own CJSTC form 86A for the 2010 reporting cycle (7/1/08 – 6/30/10). The second officer did not complete his mandatory retraining qualification for the 2008 cycle (7/1/2006 – 6/30/2008) because of an extended sick leave. Petitioner states that the agency's 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 affected by this situation either did successfully complete the requirement or were out on extended medical leave during the requalification cycle.

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.

NOTICE IS HEREBY GIVEN that on September 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 Venice Police Department on behalf of Officer Joseph Whitehead. 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. The petition supports the requested waiver by stating that Officer Whitehead did successfully complete the course of fire, however, the instructor conducting the course of fire was not a CJSTC certified firearms instructor during the 2008 and 2010 reporting cycles. Petitioner states that Officer Whitehead 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 Officer Whitehead did successfully complete the requirement simply because the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2008 and 2010 reporting cycles.

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 September 15, 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 Windermere Police Department on behalf of 22 officers for the 2006-2008 (7/1/2006 – 6/30/2008) reporting period, and for 12 officers for the 2008-2010 (7/1/2008 – 6/30/2010) 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. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, the instructors conducting the course of fire were not CJSTC certified firearms instructors during the 2008 and 2010 reporting cycle. Petitioner states that the 34 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 the instructors were not CJSTC certified firearms instructors for the requalification shoots during the 2008 and 2010 reporting cycles.

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.

NOTICE IS HEREBY GIVEN that on September 9, 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 Winter Garden Police

Department on behalf of eight officers. 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 instructed by CJSTC-certified firearms instructors. The petition supports the requested waiver by stating that the Petitioner used what it believed was a CJSTC-certified firearms instructor to conduct requalifications for the eight officers in question for the 2010 reporting cycle (July 1, 2008 – June 30, 2010). The Petition further supports the action requested by stating that the eight officers did, in fact, successfully complete the requalification, and that it would violate the principles of fairness to penalize them for the paperwork deficiency in their instructor's CJSTC firearms instructor certification.

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.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on September 12, 2011, the Department of Transportation, received a petition for waiver from Ramco Duval TRS, LLC (Ramco). Ramco is requesting a permanent waiver of Section 4.5.2 "Restoration of Landscape" of the Utilities Accommodation Manual, incorporated by reference in Rule 14-46.001, F.A.C. Ramco asserts the application of Section 4.5.2 would create an undue hardship by requiring mitigation for the removal of trees by two separate governmental entities.

A copy of the Petition for 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, email: deanna.hurt@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 14, 2011, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County Public Schools, Application No. 11-0427-2 for issuance of a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the C-8 Canal for the proposed installation of a 24" RCP with endwall through the north right of way and the proposed installation of 50 linear feet of guardrail with reflective warning signs to be located at the top of the canal bank, also within the north of right of way of C-8 at the southerly terminus of N.W. 17th Avenue lying in Section 15, Township 5 South, Range 41 East, Miami-Dade County. The petition seeks relief from paragraphs 40E-6.211(2)(a) and (j), 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 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: 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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Pavilion Building, filed August 3, 2011, and advertised in Vol. 37, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 30, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-260).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Ten Con Beach Assoc., filed August 12, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-268).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Community United Methodist Church, filed August 15, 2011, and advertised in Vol. 37, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.1(a)(2) ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires two-way communication because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-269).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Tampa Racquet Club, filed July 6, 2011, and advertised in Vol. 37, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2016, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-230).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Steiner Stone, filed July 11, 2011, and advertised in Vol. 37, No. 30, of the Florida Administrative Weekly. No comments were received in response to the

petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-232).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 980 N. Federal Building, filed July 18, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until February 15, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-234).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Hampton Inn & Suites, filed July 19, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4 and 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm steel ropes and metallic sheaves because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-237).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Adventist Health Systems, filed July 20, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 30, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-238).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Hodges University, Phase I, filed July 22, 2011, and advertised in Vol. 37, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1 and 2.20.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel wire ropes and 9.5 mm governor ropes because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-242).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 18, 2011, the Department received a Petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Big Top Flea Market/Sweet Shop, Thonotosassa, FL. The above referenced F.A.C. addresses the

requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same premise and under the same ownership.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 20, 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 dishwashing area located within the Big Top of Tampa (SEA3909662) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the ownership of Big Top of Tampa (SEA3909662) changes, the division must be notified immediately and a written agreement provided.

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 18, 2011, the Department received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Georgie's Alibi, Wilton Manors, FL. 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 outside bar handwash sink.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 20, 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 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 handwash sink is provided with hot and cold running water under pressure; 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.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 22, 2011, the Department 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 Original Café Eleven, St. Augustine, FL. 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.

The Petition for this variance was published in Vol. 37, No. 35 on September 2, 2011. The Order for this Petition was signed on September 8, 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 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. Petitioner also must ensure that the handwash sink is provided with hot and cold running water under pressure; 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.

The Board of Architecture and Interior Design hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on June 7, 2011, by Jennifer Wood. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 28, of the July 1, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61G1-22.002(1), F.A.C., entitled "Schedule for Award of Interior Design Professional Experience," which requires that applicants for licensure obtain the diversified interior design experience required by Section 481.209(2), F.S., with a registered interior designer (any state) or registered architect (any state) performing interior design services, unlicensed interior designer (outside of Florida) who has passed the NCIDQ (National Council for Interior Design Qualification) or the AID (American Institute of Designers) examination, or unlicensed interior designer (outside of Florida) who would have met the six-year experience grandfather requirement of

Section 21, Chapter 88-383, Laws of Florida. The Board considered the instant Petition at a duly-noticed public meeting, held July 27, 2011, in Naples, Florida.

The Board's Order, filed on August 31, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 481.209(2), Florida Statutes, would be met by granting a variance or waiver from subsection 61G1-22.002(1), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rules to her circumstances would violate principles of fairness and impose a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

NOTICE IS HEREBY GIVEN that on September 5, 2011, the Board of Accountancy, received a petition for Juliann Nicole Gigi, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

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

NOTICE IS HEREBY GIVEN that on September 5, 2011, the Board of Accountancy, received a petition for William Gresh, V, 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 within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 6, 2011, the Board of Accountancy, received a petition for Clayton Rowe, 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 within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 8, 2011, the Board of Accountancy, received a petition for Jeffrey Taylor, seeking a variance or waiver of paragraphs 61H1-27.0041(1)(b) and (c), Florida Administrative Code. Paragraph (1)(b) of the rule, lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished. Paragraph (1)(c) of the rule, lists the requirements for work experience supervisor as a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB). Petitioner is also seeking a variance of 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 within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Board of Accountancy, received a petition for Jennifer Smith Weitz, seeking a variance from paragraph 61H1-33.006(2)(a), Florida Administrative Code, which requires Florida certified public accountants who have been inactive or delinquent for one reporting period following their most recent current/active license, shall satisfy the requirements of their most recent biennium while active plus 40 additional CPE hours to include

a total of 120 hours with at least 20 hours in accounting/auditing subjects, 4 hours of board approved ethics and no more than 20 hours in behavioral subjects.

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.

NOTICE IS HEREBY GIVEN that on September 15, 2011, the Florida Real Estate Appraisal Board, received a petition for Douglas J. Zimmer, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Derek D. Haber, D.M.D., M.S., filed on September 15, 2011. The Notice of Petition for Variance was published in Vol. 37, No. 28, of the July 15, 2011, Florida Administrative Weekly. The Petition requested a Variance or Waiver of Rule 64B5-14.005, Florida Administrative Code, concerning the applicant must demonstrate both training and administration of the particular type of anesthesia to 20 patients within 2 years of applying for a conscious sedation permit. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011.

The Board's Order, filed on September 15, 2011, denied the Petition for Variance or Waiver, finding that the Petitioner had not complied with Section 120.542(2), Florida Statutes, as he failed to demonstrate that the application of the rule would create a substantial hardship or would violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Sue Foster, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance for Rhonda M. Goodall filed on September 2, 2011. The Notice of Petition for Variance was published in Vol. 37, No. 25, of the June 24, 2011, Florida Administrative Weekly. The Petition

requested a Variance or Waiver of Rule 64B7-32.002, Florida Administrative Code, with respect to documentation of graduation from a Board approved massage school. Petitioner sought a variance or waiver from the requirement of an official transcript documenting the applicant's training. The Board considered the Petition at a duly-noticed public meeting held on July 29, 2011.

The Board's Order, filed on September 2, 2011, denied the Petition for Variance or Waiver, finding that the rule requirements from which Petitioner sought relief were statutory requirements pursuant to Section 480.041, Florida Statutes. Pursuant to Section 120.54, Florida Statutes, the Board is not authorized to grant a waiver or variance from a statutory requirement.

A copy of the Order or additional information may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN that on March 29, 2011, the Board of Nursing Home Administrators, received a petition for Rule 64B10-16.001, F.A.C., with respect to the prerequisites for approval into the 1,000 hour AIT program, filed by Megan Canada.

Comments on this petition should be filed with the: Nursing Home Administrators Board, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, at the above address or telephone (850)425-4355.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on September 2, 2011, the Agency for Persons with Disabilities, received a petition for Variance from Advantage Home Assisted Care, Inc. seeking Variance from Rule 65G-5.004, F.A.C., Selection of Housing to be allowed to own property where supported living clients resides.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Percy W. "Pete" Mallison, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)921-3779, pete_mallison@apd.state.fl.us.

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
- DATE AND TIME: October 18, 2011, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection