

(4) No change.

Rulemaking Specific Authority ~~457.102, 457.104, 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History–New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, 10-11-04, 10-24-04, 5-30-07,_____.~~

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-6.005
RULE TITLE: Standards for Approval of Continuing Education Credit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated June 16, 2009, and comments from the public at the rule hearing on December 3, 2009.

The rule shall read as:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) through (4) No change.

(5) To receive credit for programs on HIV/AIDS at the licensee’s first renewal, the program must be, at a minimum, three (3) two (2) hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions.

(6) Continuing education programs ~~related to laboratory test or imaging findings~~ shall be designed to provide course content on the clinical relevance of ~~laboratory and diagnostic tests and procedures as well as~~ biomedical sciences physical examination findings and to advance, extend or enhance the licensee’s skills and knowledge in biomedical sciences ~~related to the safe and beneficial use of laboratory test and imaging findings.~~

Rulemaking Specific Authority 456.013(9), 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History–New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, 1-7-03,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.0081
RULE TITLE: Notice Required for Buildings with Light-frame Truss-type Construction

NOTICE OF CORRECTION

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

RULE 69A-60.008 HAS BEEN RENUMBERED AS 69A-60.0081 SINCE RULE NUMBER 69A-60.008 HAD PREVIOUSLY BEEN USED AND REPEALED.

**Section IV
Emergency Rules**

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.”

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.”

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

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN THAT on December 9, 2009, the Department of State has issued an order.

Subparagraph IT-1.001(15)(b)9., F.A.C. requires that an organization approved for a state matching share for the Cultural Endowment Program and placed on the priority list, waiting for legislative funding, must be removed from the priority list if the organization chooses to expend its own matching share. Notice of the petition was published in the August 28, 2009 issue of the Florida Administrative Weekly. No public comments were received. On December 9, 2009, the Department of State entered an order denying the rule variance because the rule was violated prior to the filing of the organization’s petition for variance.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536.

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."

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 10, 2009, the Administration Commission has issued an order.

On November 2, 2009, the Administration Commission received a "Petition for Variance from or Waiver of 20 Percent ROGO Allocation Reduction in Rule 28-20.110, F.A.C." filed by the Monroe County Board of County Commissioners. The petition was noticed in the November 20, 2009, edition of the Florida Administrative Weekly to allow interested parties an opportunity to comment. The comment period concluded on December 4, 2009, without any comments being provided to the Commission.

On December 8, 2009, the Administration Commission met to consider the petition. Upon consideration, the Commission granted the petition and determined that no twenty percent reduction in new residential building permit allocations shall be imposed notwithstanding the fact that Monroe County did not achieve substantial progress in completing the Year 10 Work Program tasks provided in Rule 28-20.110, F.A.C. The Commission's Final Order in this matter shall remain in effect until September 30, 2010.

A copy of the Order may be obtained by contacting: Barbara Leighty, Clerk, Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884.

WATER MANAGEMENT DISTRICTS

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

SFWMD Order No. 2009-303-DAO-ROW was issued to Canal Investments, Inc. (Application No. 09-0213-1). The petition for waiver was received by the SFWMD on March 13, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 13, on April 3, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the proposed installation of a cross-fence with vehicular access gate at the east property lie extended and to allow an asphalt parking area accommodating six parking spaces with bollards, buried electrical service with lighting and a portion of an exfiltration trench within the C-4 Canal right of way, Section 5, Township 54 South, Range 40 East, Miami-Dade County, to remain. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(a)

and (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 within the District's designated equipment staging areas at all bridges and pile-supported utility crossings, as well as the placement of retention/detention facilities and use of motor vehicles (parking) 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 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 Petitioner from a suffering a substantial hardship and violate principles of fairness.

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 December 1, 2009, the South Florida Water Management District ("District"), received a petition for waiver from Miami-Dade County Public Works Department, Application No. 09-1201-1, for utilization of Works or Lands of the District known as the C-1W Canal. Miami-Dade County is requesting authorization to construct approximately 1000 feet of guardrail, 6 feet inside the northerly right of way of the C-1W canal adjacent to SW 212nd Street between S. W. 119nd Avenue to S. W. 117th Court. Location, C-1W Canal, Section 12, Township 56S, Range 39E, Miami-Dade County. The petition seeks relief from subsections 40E.6011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works and Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6820 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.

NOTICE IS HEREBY GIVEN THAT on December 4, 2009, the South Florida Water Management District ("District"), received a petition for waiver from Palm Beach County Environmental Resources Management for a Modification to Permit No. 13007 (Application No. 09-1204-1M), for

utilization of Works or Lands of the District known as the C-18W Canal for existing gate structures associated with a previously permitted bridge within the C-18W rights of way located approximately 3.99 miles downstream of the Beeline Highway (SR 710) Section 30, Township 41 South, Range 42 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of 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, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Daniel C. Breiding of Sarasota Sands of Sarasota to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until February 22, 2010 (VW 2009-529).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the Department cannot grant variances from Florida Statutes, as submitted by Judy K. Schweikert of Pierce 100, Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-530).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time and no means of meeting the intent of the code have been put forth, as submitted by Chester J.

Oszkandy of 600 Cleveland St. and, as specified in Section 120.542, Florida Statute, titled Petition for Variances and Waivers (VW 2009-542).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden as they failed to provide how the intent of the code will be met, as submitted by Gene Craig of La Playa East Condo Assoc., Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-559).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, the specific rules from which the variance would be requested were not given and no means of meeting the intent of the code have been put forth, as submitted by Eddie Armesto of Centrelx Elevator Service Corp. and, as specified in section 120.542, Florida Statute, titled Petition for Variances and Waivers (VW 2009-581).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mathew Saponara of Florida Department of Transportation, D2 of Jacksonville to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2010 (VW 2009-588).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mathew Saponara of Jacksonville Urban Office, FDOT, D2 of Jacksonville to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2010 (VW2009-589).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Stephen K. Boone, Esq. of Colonial House of Venice to not comply with Rules 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until November 30, 2012 (VW2009-719).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby of Yachtsman of Clearwater to not comply with Rules 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition and Rule 8.6.1.6.3(a), ASME A17.1, 2004 edition until December 31, 2010 (VW 2009-726).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Barbara J. Petroski of Lucerne Plaza of Orlando to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW2009-732).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Jeffrey Will of Casa De Marco of Marco Island to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2012 (VW 2009-744).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby

of Treasure Coast Medical Center of Port St. Lucie to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW2009-749).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Aral Abuhan of Key Plaza Apartments of St. Petersburg to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW 2009-750).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby of FAMU Coleman Library of Tallahassee to not comply with Rules 3.11.3 and 3.3.2, ASME A17.3, 1996 edition until November 15, 2012 (VW 2009-751).

A copy of the Order 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 November 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Fairway Gardens, Naples, FL, and location of the Serial Number 31068, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-769).

A copy of the Order 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 November 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Flamingo Bay Condominium, Tierra Verde, FL, and location of the Serial

Number 34251, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-770). A copy of the Order 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 November 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, 3.10.4(u) and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Florentine Gardens, Marco Island, FL, and location of the Serial Number 30030 and 30031, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-771).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1)(a), F.A.C. The petitioner, Clarion Hotel, Ft. Myers, FL, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tarun Patel, Manager (VW 2009-772).

A copy of the Order 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 November 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bellamar House Condo, Greenacres, FL, and location of the Serial Number 25115, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jacqueline Wuestman, CAM (VW 2009-773).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Village of Winterset, Winter Park, FL, and location of the Serial Number 9114 and 9115, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James E. Elder, President (VW 2009-774).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Days Inn Tropical Sea's Hotel, Daytona Beach Shores, FL, and location of the Serial Number 37010, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from John Townsell, Vice President (VW 2009-775).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an permanent variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Captain's Quarters Condominium, Marathon, FL, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Ken Huff, President (VW 2009-776).

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

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Collwood Condominium, Madeira Beach, FL, and location of the Serial Number 30749, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder, Agent (VW 2009-777).

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

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency permanent variance from A17.1, Section 5.7.12.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Scholtz Power Plant, Sneads, FL, and location of the Serial Number 2262, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-778).

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

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Yomtob Office Holdings LLC, Delray Beach, FL, and location of the Serial Number 33165 and 33166, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Paul Komie, Agent (VW 2009-779).

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

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, DMS, Division of Real

Estate Development and Management, Tampa, FL, and location of the Serial Number 26808, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Richard Arcuri, Project Manager (VW 2009-780).

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

NOTICE IS HEREBY GIVEN THAT on December 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from A17.3, Section 3.11.1 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Calhoon Property Management of Largo, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jane Calhoon (VW 2009-781).

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

NOTICE IS HEREBY GIVEN that on December 9, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Jeff A. Wilson of River Plaza of Jupiter to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-605).

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

NOTICE IS HEREBY GIVEN that on December 2, 2009, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on November 24, 2009 for an Emergency Variance for paragraph 61C-1.002(5)(a), (2), Florida Administrative Codes, from Florida Fast Food Network in Winter Park. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be self-propelled or otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The variance request was published in Vol. 35/49-12/11/09 contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Coastland Center Mall, 1800 Tamiami Trail, Naples.

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

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on November 13, 2009, for a Routine Variance for subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from Personal Touch Catering located in Winter Park, 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 an adjacent business for customers only.

The variance request was published in Vol. 35, No. 48, 12/4/09, and approval is contingent upon the Petitioner ensuring the bathrooms located within Canal Management are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Canal Management changes, an updated signed agreement for use of the bathroom facilities is required immediately.

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

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."

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Department of Environmental Protection's Northwest District has issued an order.

On September 16, 2009, the petitioner Patrick C. Flynn, Regional Director, Sandy Creek Utilities Services, Inc., for the Sandy Creek Ranch Wastewater Treatment Plant filed a petition for a variance under Section 120.542, F.S., from the minimum wastewater treatment plant staffing required by subsection 62-610.462(3), F.A.C. The petition was assigned OGC No. 09-3595 and PA File No. FLA010019-008-DWF/VO. Notice of receipt of this petition was published in the Florida Administrative Weekly on October 9, 2009. While subsection 62-610.462(3), F.A.C., requires the minimum

staffing of 6 hours per day, 7 days a week by a Class C operator; the petitioner requested that the facility be staffed 3 hours per day, 5 days per week and one visit on each weekend by a Class C operator. On November 20, 2009, the Department granted the variance with conditions as requested based on the petitioner's demonstration that the rule would present a substantial hardship or violate the principles of fairness and that the purpose of the underlying statute would otherwise be met.

A copy of the Order may be obtained by contacting: Allan Karrer, Department of Environmental Protection, Domestic Wastewater Section, Northwest District, 160 Governmental Center, Pensacola, Florida 32502, allan.karrer@dep.state.fl.us, (850)595-8380.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Board of Massage Therapy has issued an order.

The Petition for Waiver or Variance was filed on August 28, 2009, by Danell Dewar. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought a waiver from paragraph 64B7-28.009(3)(a), F.A.C., entitled "Continuing Education." Specifically, the Petitioner requested that the Board issue a Final Order granting a waiver from the requirement that she complete 12 hours of live hand-on continuing education courses. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, via teleconference, and issued an order, filed on November 9, 2009, temporarily granting the Petition for a Variance or Waiver of paragraph 64B7-28.009(3)(a), F.A.C. The board will allow the Petitioner to complete the 12 hours of live instruction through online courses. She must complete said online courses within 30 days of the date the Order was filed. This variance only applied to the 2007-2009 biennium.

A copy of the Order may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT on December 11, 2009, the Board of Medicine, received a petition for waiver or variance filed by Houshang Farahvar, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: 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: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on December 14, 2009, Board of Medicine, received a petition for waiver or variance filed on behalf of Samantha Lindsay, M.D., from Rule 64B8-4.018, F.A.C., with regard to the requirement that each applicant for a Florida medical license who is an international medical graduate successfully complete core clerkships in medicine, surgery, obstetrics-gynecology and pediatrics at a hospital affiliated with a medical school accredited by the Liaison Committee on Medical Education or at a hospital which had a residency program accredited by the Accreditation Council for Graduate Medical Education. Comments on this petition should be filed with: 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: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on November 10, 2009, the Board of Pharmacy, received a petition for Vivekanand Y. Aher. The petitioner does not provide a reference to any specific rule number in the petition.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy/MQA within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, Department of Financial Services, Division of Agent and Agency Services, received a petition for permanent variance, filed by American Equity Investment Life Insurance Company. The petition seeks a permanent variance from the requirement in Form DFS-H1-1908, Annuity Suitability Questionnaire, incorporated in Rule 69B-162.011, F.A.C., that specific disclosures be made to senior annuity buyers who refuse to provide requested information. The petition is based on the condition that the company will not sell annuities to seniors who refuse to provide requested information.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

NOTICE IS HEREBY GIVEN THAT on December 9, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for waiver filed by Liberty Life Insurance Company. The petition seeks a 30-day waiver from Rule 69B-162.011, F.A.C., in order to have more time to revise its systems before being required to use the forms adopted in Rule 69B-162.011, F.A.C. That rule requires specific forms be used when annuities are sold to seniors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

NOTICE IS HEREBY GIVEN THAT on November 30, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for waiver filed by Sun Life Assurance Company of Canada (U.S.). The petition seeks a 30-day waiver from Rule 69B-162.011, F.A.C., in order to have more time to revise its systems before being required to use the forms adopted in Rule 69B-162.011, F.A.C. That rule requires specific forms be used when annuities are sold to seniors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

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