

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:                   RULE TITLE:  
68A-27.001                 Definitions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rule did not state what information was relied upon in determining that the proposed rule is not expected to require legislative ratification. The information expressly relied upon is: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.:                   RULE TITLE:  
68B-42.007                 Gear Specifications and Prohibited Gear

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rule did not state what information was relied upon in determining that the proposed rule is not expected to require legislative ratification. The information expressly relied upon is: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE NO.:                   RULE TITLE:  
53ER11-51                 Extension of MONOPOLY™  
                                  ADVANCE TO GO Second Chance  
                                  Promotion

**SUMMARY:** The Department of the Lottery will extend the end date of the MONOPOLY™ ADVANCE TO GO Second Chance Promotion described in Rule 53ER11-32 from September 20, 2011, to September 22, 2011.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

53ER11-51 Extension of MONOPOLY™ ADVANCE TO GO Second Chance Promotion.

(1) The end date of the MONOPOLY™ ADVANCE TO GO Second Chance Promotion, described in Rule 53ER11-32, F.A.C., is extended from September 20, 2011, to September 22, 2011. During the extension period, players can enter their non-winning MONOPOLY™ Florida Lottery Scratch-Off tickets on the Florida Lottery website commencing at 1:00 p.m. ET on September 21, 2011, through 1:00 p.m. ET on September 22, 2011.

(2) The fourth drawing set forth in Rule 53ER11-32, F.A.C., is rescheduled to take place on Friday, September 23, 2011, and will include entries received during the periods of August 31, 2011, through midnight on September 20, 2011, and 1:00 p.m. ET on September 21, 2011, through 1:00 p.m. ET on September 22, 2011.

(3) Except as provided in subsections (1) and (2) above, all other provisions set forth in Rule 53ER11-32, F.A.C., shall remain in effect.

Rulemaking Authority 24.105(9), 24.109(1), FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 9-21-11.

**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 21, 2011

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

**DEPARTMENT OF LAW ENFORCEMENT**

**NOTICE IS HEREBY GIVEN** that on September 21, 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 Atlantis 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 at issue is a CJSTC-certified firearms instructor and that he did successfully complete the course of fire, however, he signed his own CJSTC form 86A. 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 he signed his own CJSTC form 86A for 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 or by telephoning (850)410-7676.

---

NOTICE IS HEREBY GIVEN that on September 21, 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 Duval County School Board Police Department on behalf 18 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. 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 cycles. Petitioner states that these officers will suffer a substantial hardship if their 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 these 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 or by telephoning (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 Edgewater Police Department on behalf of Officer Lawler for the 2006-2008 (7/1/06 – 6/30/08) and 2008-2010 (7/1/2008 – 6/30/10) mandatory firearms requalification reporting cycles and Chief Arcieri for the 2008-2010 (7/1/08 – 6/30/10) reporting cycle. 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 for Officer Lawler by stating there is no CJSTC form 86A on file for him for the 2006-2008 reporting cycle, however, Officer Lawler did complete the required course of fire in 2008, but after the reporting period. The petition further supports the requested waiver by stating that the officers did successfully complete the course of fire in 2010, however, Officer Lawler did so after the reporting date and Chief Arcieri requalified under a non-certified firearms instructor and later in the year requalified under a certified firearms instructor after the reporting date. Petitioner states that these two 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 did successfully complete the requirement.

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 27, 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 Holmes County Sheriff's Office on behalf of 21 officers for the 2006 – 2008 (7/1/2006 – 6/30/2008) reporting period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the firearms instructors utilized by the agency had not completed an internship and filed paperwork to finish the requirements to become CJSTC-certified firearms instructors. The officers, agency, and instructors all believed that the instructors had completed all of the requirements for CJSTC certification as firearms instructors. The 21 officers did successfully complete the course of fire regardless of the certification status of the two instructors. Petitioner states that the officers will suffer a substantial hardship if their 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 officers did successfully complete the requirement for the 2008 reporting period simply because the instructors had not become CJSTC-certified prior to supervising the requalification shoot.

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 23, 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 Lady Lake Police Department on behalf of two 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 at issue did successfully complete the course of fire, however, they were supervised by a non-CJSTC certified firearms instructor. Petitioner states that the officers will suffer a substantial hardship if their 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 officers did successfully complete the requirement simply because they were supervised by a non-CJSTC certified firearms instructor.

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

---

NOTICE IS HEREBY GIVEN that on September 26, 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 Sanibel Police Department on behalf of 37 officers for the 2006 – 2008 (7/1/2006 – 6/30/2008) reporting period and 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 officers at issue did successfully complete the course of fire, however, the CJSTC form 86A's for these officers cannot be located for the 2008 reporting period. For the 2010 reporting period, one of the officers was supervised by a non-CJSTC-certified firearms instructor, but the officer did successfully complete the course of fire. Petitioner states that the officers will suffer a substantial hardship if their 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 officers did successfully complete the requirement for the 2008 reporting period simply because the agency cannot locate their CJSTC form 86A's; and, for the 2010 reporting period, because the instructor had not become CJSTC-certified prior to supervising the requalification shoot.

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 Titusville Police Department on behalf Officer Erich Barrett. 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 2008 reporting cycle. Petitioner states that this 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 this officer did

successfully complete the requirement simply because the instructor was not a CJSTC certified firearms instructor for the requalification shoot during the 2008 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 or by telephoning (850)410-7676.

---

NOTICE IS HEREBY GIVEN that on September 20, 2011, the Violent Crime and Drug Control Council, received a petition for a permanent waiver of subsection 11N-1.0051(15), F.A.C., from Fort Lauderdale Police Department. Subsection 11N-1.0051(15), F.A.C., precludes the use of VCDCC moneys to purchase equipment. The petition supports the requested waiver by stating that a reshuffling of personnel and plunging revenues jeopardized their multijurisdictional operation by removing a critical piece of equipment. Petitioner states that it used VCDCC money to purchase replacement equipment. Petitioner states that it will suffer a substantial hardship if it were required to refund the money spent on the equipment or sell the equipment and refund the money. Petitioner further states that it would violate the principles of fairness to deprive it of a viable means of efficiently carrying out its duties.

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.

---

#### **WATER MANAGEMENT DISTRICTS**

The Suwannee River Water Management District (SRWMD) hereby gives notice: Final Order (11-0003) was issued September 26, 2011, granting variance under Section 120.542, F.S., to Sonja Graham, 997 S.W. Santa Fe Drive, Fort White, FL 32038, for construction of a building with an enclosed lower floor +/- 2.5 feet below the 100-year flood elevation. The petition for variance was received by SRWMD on June 21, 2011. Notice of receipt of petition requesting variance was published in F.A.W., Vol. 37, No. 26, on July 1, 2010. No public comment has been received. This Order provides a variance from SRWMD criteria for subsection 40B-4.3030(5), F.A.C., as to the area below the first floor of elevated building left clear and unobstructed except for piles and stairways. The petition was assigned ERP Number 11-0109, S. Graham District Floodway Project – Three Rivers Estates Lots 58 & 59, located in Columbia County, in Township 7 South, Range 15 East, Section 1.

A copy of the Order or additional information may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN that on September 12, 2011, the South Florida Water Management District (District), received a petition for waiver from Michael Edwards and Maggie Godoy, Application No. 11-0912-1, for utilization of Works or Lands of the District known as the I-75 Canal, for an existing concrete wall installation. The existing project within the I-75 Canal right of way is located at the intersection of Spanish Oaks Lane Bridge and I-75 Canal, Section 29, Township 48 South, Range 26 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), 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, Attn: Juli Russell, Office of Counsel.

The South Florida Water Management District hereby gives notice that on September 21, 2011, the Executive Director of the South Florida Water Management District (SFWMD) issued an Order Granting Variance under Section 120.542, Florida Statutes (SFWMD 2011-175-DAO-ERP), to the City of Fort Myers, concerning a project known as the Fort Myers Riverfront Redevelopment. The petition for variance was received by the SFWMD on May 12, 2011. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 37, No. 22, on June 3, 2011. No public comment was received. This Order provides a variance for the proposed construction and operation of a 1.37 acre wet detention system to serve Phase I of the City of Fort Myers (City) Riverfront Redevelopment District and conceptual approval for the remaining mixed use commercial development, located in Lee County; Section 13, Township 44 South, Range 24 East. Specifically, the Order grants a Variance from Section 6.4 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, which is incorporated by reference in Rule 40E-4.091, Florida Administrative Code, concerning flood protection of building floors. Generally the Order sets forth the basis of the Governing Board decision to grant the Variance as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order Granting Variance from the subject rule would prevent the City of Fort Myers from suffering a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Water Resource Regulation Department, during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone: (561)682-6911, by e-mail: permits@sfwmd.gov; or, by accessing the District's website: www.sfwmd.gov using the Application/Permit Search on the ePermitting page.

For additional information, contact: Dan Waters at (239)338-2929, ext. 7763 or e-mail: dwaters@sfwmd.gov.

---

## 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 22, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Bethune Education Center, filed August 25, 2011, and advertised in Vol. 37, No. 36, 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, 2.24.2.1 and 2.18.5.1 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, 9.5 mm governor ropes and a metallic sheave 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 2011-283).

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 22, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from The Strand, filed August 29, 2011, and advertised in Vol. 37, No. 36, 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 8.7.2.27.4, 2.26.2.33, 2.27.3.1.6(h), 2.27.3.2.5, 2.27.3.3.1, 2.27.3.3.7 and 2.27.7.2 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 fire fighter service controls and instructions be behind a locked cover on the car operating panel 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 2011-285).

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 22, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Wyndham Grand Bonnet Creek Hotel, filed September 6, 2011, and advertised in Vol. 37, No. 37, 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 2.2.2.5 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 a sump pump in the hoistway 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 2011-302).

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 September 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Shands Lake Shore Regional Medical Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, restricted door openings and two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-320).

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

---

NOTICE IS HEREBY GIVEN that on September 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Porta Bella Yacht and Tennis Club Condo Assoc. Petitioner seeks a variance of the requirements of ASME 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), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial

hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-322).

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

---

NOTICE IS HEREBY GIVEN that on September 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Diamond, Truth and Cropper Halls. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 3.19.4.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires shut off valves which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-323).

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

---

NOTICE IS HEREBY GIVEN that on September 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for USF Health CAMLS. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a coated steel belt which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-324).

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

---

NOTICE IS HEREBY GIVEN that on September 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for PB Professional Bldg. Condo Assoc., Inc. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires shut-off valves which poses a significant economic/financial hardship. Any interested person may file comments within 5

days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-326).

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

---

NOTICE IS HEREBY GIVEN that on September 27, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Church of Scientology. Petitioner seeks an emergency variance of the requirements of ASME 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), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-327).

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

---

NOTICE IS HEREBY GIVEN that on September 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Church of Scientology. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.1.3(b), 2.1.5, 3.3.2, 3.4.3(a)(3), 3.4.5(d) and 3.10.4(u) and of ASME A17.1, Section 303.1c, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires facia guarding the underside of the hoistway sills, counterweight guard in the pit, platform guards, a maximum 5.5 inches between the hoistway door and car door, emergency lighting, in-car stop switch and support of hydraulic line which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-328).

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

---

NOTICE IS HEREBY GIVEN that on September 26, 2011, 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 Grazie Dio Italian Marketplace, Doral, 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 another adjacent licensed food service establishment.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

---

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 30, 2011, the Department received a Petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Cravings To Go, South Daytona, 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 another nearby business.

The Petition for this variance was published in Vol. 37, No. 37 on September 16, 2011. The Order for this Petition was signed on September 22, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Winston James Leasing Office, Unit 103-F, are maintained in a clean and sanitary manner and are provided with 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 Winston James Leasing Office changes, a signed agreement for use of the bathroom facilities is required immediately.

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

---

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on September 2, 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 Microsoft Office, Ft. Lauderdale, 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 at a portable handwash sink to provide potable water and to collect wastewater.

The Petition for this variance was published in Vol. 37, No. 37 on September 16, 2011. The Order for this Petition was signed on September 22, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash sink is 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 September 2, 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 Dads Kettle, Bradenton, 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 at the four-compartment and handwash sinks to provide potable water and to collect wastewater.

The Petition for this variance was published in Vol. 37, No. 37 on September 16, 2011. The Order for this Petition was signed on September 22, 2011 and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash and four-compartment sinks 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 September 2, 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 French Fry Heaven, Jacksonville, 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. 37 on September 16, 2011. The Order for this Petition was signed on September 22, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash and three-compartment sinks 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 September 2, 2011, the Department received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Red Mango Frozen Yogurt and Smoothies, Ft. Lauderdale, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on the level below of the shopping mall.

The Petition for this variance was published in Vol. 37, No. 37 on September 16, 2011. The Order for this Petition was signed on September 22, 2011, and after a complete review of the variance request, the Division finds that the application of this

rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the public bathrooms located on the level below are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, handwash sign and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within and outside the establishment clearly stating the location of the bathrooms.

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

---

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida Department of Environmental Protection hereby gives notice: College Avenue MRF in Davie, Florida, has withdrawn its petition for variance filed on August 5, 2011. Notice of Receipt of the Petition was published in the FAW on August 26, 2011.

A copy of the Order or additional information may be obtained by contacting: Richard Tedder, Program Administrator, Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, email richard.tedder@dep.state.fl.us, (850)245-8735.

---

The Department of Environmental Protection, Bureau of Beaches and Coastal Systems hereby gives notice on September 16, 2011, the Department of Environmental Protection, Bureau of Beaches and Coastal Systems issued an order granting a variance from the requirements of subsection 62B-33.013(3), F.A.C.

A petition for a variance was received from ZOG Limited Partnership on April 28, 2011, and a subsequent notice was published in the Florida Administrative Weekly on May 13, 2011. The petition requested a variance from the criteria contained in subsections 62B-33.013(3) and (5), F.A.C., which provide for a one three-year time extension to complete activities permitted by the Department and requires a new application if construction is not complete within the allotted time of the permit, respectively. No public comment was received. The Order, file number SL-200 V, granted the variance request for subsection 62B-33.013(3), F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to the Petitioner. The petitioner has also demonstrated that a time extension of the permit expiration date is consistent with the

intent of the statute in that it allows DEP to authorize completion of the construction subject to the facts and circumstances surrounding the application.

A copy of the Order or additional information may be obtained by contacting: Rosaline Beckham at (850)488-7815, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd., MS #300, Tallahassee, Florida 32399 or by e-mail: rosaline.beckham@dep.state.fl.us.

---

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on September 14, 2011, the Board of Dentistry, received a petition for seeking a waiver or variance of paragraph 64B5-2.0146(2)(a), F.A.C., filed by Ismael El Khoully, DDS with respect to the following licensure requirement: that each applicant, from non-accredited schools or colleges, for a Florida dental license successfully completes an additional two-year program that meets the specific criteria enumerated in the rule.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

---

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Lucindo Fidalgo, filed on May 23, 2011. The Petitioner did not state which rule for which he was requesting the Variance or Waiver. However it appears the Petitioner was requesting a Variance or Waiver from Rule 64B12-9.0015, Florida Administrative Code. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, denies the Petition for Variance or Waiver. The Board does not possess the authority to vary or waive the requirements of the statute. Therefore the Board denies the Petition for Declaratory Statement.

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

---

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Rebecca Law, filed on July 5, 2011. The Notice of Petition for



Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, grants the Petition for Variance or Waiver of Rule 64B12-9.015, Florida Administrative Code. The Petitioner has demonstrated that application of above cited rules to her circumstance will impose a substantial hardship. The Petitioner has demonstrated that she meets the requirements of Section 120.542, F.S. The Petitioner shall be allowed to sit for the Florida Opticianry exam prior to the NCLE exam.

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

---

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Frank Loiercio, filed on July 11, 2011. The Petitioner did not state which rule he was requesting the Variance or Waiver. The Notice of Petition for Variance or Waiver was published in Vol. 35, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2011.

The Board's Order, filed on September 7, 2011, denies the Petition for Variance or Waiver. The Petitioner has not demonstrated that application of the rules of the Board of Opticianry to his circumstance will impose a substantial hardship. The Petitioner has not demonstrated that he meets the requirements of Section 120.542, F.S.

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

---

#### **FINANCIAL SERVICES COMMISSION**

The Florida Office of Financial Regulation hereby gives notice: The Florida Office of Financial Regulation ("Office") hereby gives notice that on September 20, 2011, the Office issued a Final Order. The Final Order was in response to a Petition for Variance from or Waiver of Rule 69W-600.0021, Florida Administrative Code, Mr. Mickey P. McLellan filed August 31, 2010 and advertised by Notice 9114331 in Vol. 36, No. 37, in the September 17, 2010 edition of the Florida Administrative Weekly. The rule at issue relates to Office consideration of an applicant's law enforcement record when deciding whether to approve an application for registration as an associated person. The Final Order grants the rule waiver on the basis of legal hardship. The Final Order adopted the Amended Notice of Intent Approving Petition for Variance from or Waiver of Rule 69W-600.0021, Florida Administrative

Code, issued August 16, 2011 ("Amended NOI"). The Amended NOI was issued to replace the Notice of Intent Approving Petition for Variance from or Waiver of Rule 69W-600.0021, Florida Administrative Code, issued August 15, 2011 ("8/15/11 NOI"). The 8/15/11 NOI was advertised by Notice 10382606 in Vol. 37, No. 36, in the September 9, 2011 edition of the Florida Administrative Weekly. The Amended NOI and 8/15/11 NOI were identical except that the 8/15/11 contained an incorrect Notice of Rights.

A copy of the Order or additional information may be obtained by contacting: Mary Howell, Agency Clerk, Office of Financial Regulation, 200 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896.

---

## **Section VI Notices of Meetings, Workshops and Public Hearings**

### **DEPARTMENT OF STATE**

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 17, 2011, 11:00 a.m.

PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Executive Committee will meet to discuss income and expense reports, marketing reports, upcoming events and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver, (850)245-6379.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver, (850)245-6379. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us.

---

The **Division of Historical Resources**, Historic Preservation Grants-in-Aid Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 19, 2011, 10:00 a.m.