

real property described in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity, and then multiplying the result by the tax rate.

(4) A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

(5) The transfer of shares or similar equity interests that are dealt in or traded on public, regulated security exchanges is not subject to the tax.

(6) The tax is to be paid pursuant to Section 201.133, F.S., on the earliest of the 20th day of the month following the month the ownership interest is transferred or the date that an instrument evidencing the transfer is filed or recorded in Florida.

(7) The provisions of this rule do not affect the imposition of tax on transactions described in Section 201.02(4), F.S.

(8) Examples.

(a) Example 1: On July 2, 2009, Lloyd transferred Florida real property (the real property), owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 3, 2009, Lloyd transferred his interest in the LLC for \$1,000,000. The LLC owned no assets other than the real property. Documentary stamp tax of \$7,000.00 was due on the transfer of Lloyd's ownership interest in the LLC based on the \$1,000,000 consideration, since Lloyd was the grantor of the real property and since tax was not paid on full consideration when the real property was transferred to the LLC.

(b) Example 2: On July 2, 2009, Calvin and Sally transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Calvin and Sally. The full consideration at the time of the transfer would have been \$30,000. Documentary stamp tax of \$210 was paid on the document that transferred the real property to the LLC. On July 10, 2009, Calvin and Sally sold their ownership interests in the LLC for \$35,000. The only asset owned by the LLC at the time was the real property. No documentary stamp tax was due on the transfer of Calvin and Sally's ownership interests in the LLC, since tax was paid on the full consideration for the real property when it was transferred to the LLC.

(c) Example 3: On July 2, 2009, Vern and Carol transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Vern and Carol. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Vern sold his interest in the LLC for \$200,000. Tax of \$1400 was due on the transfer of Vern's ownership interest in the LLC, since Vern was a grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the LLC.

(d) Example 4: On July 2, 2009, Pam and Mike transferred Florida real property (the real property) which they owned jointly, to a corporation. The corporation was owned equally

by Mike and a limited liability company (LLC) owned by Pam alone. No documentary stamp tax was paid on the document that transferred the real property to the corporation. On July 10, 2009, Pam sold her interest in the LLC (thereby selling her indirect ownership interest in the corporation) for \$45,000. The corporation owned property in addition to the real property transferred to it on July 2, 2009. Full consideration for the real property would have been \$85,000, and the real property made up 95% of the value of all assets owned by the corporation. The only asset owned by the LLC was its interest in the corporation. Tax of \$299.60 was due on the transfer of Pam's ownership interest based on consideration of \$42,750 (\$45,000.00 multiplied by the 95% attributable to the real property), since Pam was the grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the corporation.

(e) Example 5: On July 2, 2009, Tom transferred Florida real property (the real property) owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Tom sold 50% of his interest in the LLC to Imogene for \$200,000. Tax of \$1,400 was due on the transfer of Tom's ownership interest in the LLC based on consideration of \$200,000, since documentary stamp tax was not paid on full consideration for the real property when it was transferred to the LLC. On July 25, 2009, Tom sold one-half of his remaining 50% ownership interest in the LLC for \$105,000, and Imogene sold one-half of her 50% ownership interest in the LLC for \$105,000. Tax of \$735 was due on the transfer of Tom's ownership interest, since Tom was the grantor of the real property and since tax was not paid on the fair market value of the real property when it was transferred to the LLC. No tax was due on Imogene's transfer, since Imogene was not a grantor of the real property.

Rulemaking Authority s. 6, Ch. 2009-131, L.O.F. Law Implemented Ch. 2009-131, L.O.F. History--New 5-3-11.

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: May 3, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on April 22, 2011, the Department of Community Affairs, received a petition for waiver from the City of Clewiston. It has been assigned the number DCA11-WAI-079.

Paragraph 9B-43.0041(2)(d) and subsection 9B-43.0031(29), Fla. Admin. Code.

THE NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT:

Paragraph 9B-43.0041(2)(d), F.A.C., states that eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for a CDBG subgrant.

Subsection 9B-43.0031(29), F.A.C., provides the definition of on time.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on April 22, 2011, the Florida Communities Trust, received a petition for waiver from Lake County regarding Lake May Reserve Property. It has been assigned the number DCA11-WAI-076.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Communities Trust, received a petition for waiver from the City of Tamarac regarding Reclamation Park. It has been assigned the number DCA11-WAI-080.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Communities Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Communities Trust, received a petition for Waiver from Pinellas County; Brooker Creek Preserve Wilde Lands Acquisition & Recreation Area. It has been assigned the number DCA11-WAI-081.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Communities Trust, received a petition for Waiver from Hillsborough County regarding Lake Dan Preserve Phase Two. It has been assigned the number DCA11-WAI-082.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline.

Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Communities Trust, received a petition for Waiver from the Town of Bay Harbor Islands. It has been assigned the number DCA11-WAI-083.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Communities Trust, received a petition for Waiver from Indian River County regarding Sebastian Harbor Preserve. It has been assigned the number DCA11-WAI-084.

THE RULE NUMBERS AND NATURE OF THE RULES FROM WHICH A WAIVER IS SOUGHT:

Subsection 9K-7.003(9), Fla. Admin. Code – states that Applicant must acquire property either 24 months prior to, or 24 months after, the Application deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

Paragraph 9K-7.007(1)(a), Fla. Admin. Code – states the Applicant can receive ten points on their Application if they have acquired the property within the 24 month deadline. Applicant has acquired property outside of that time frame but was unable to apply for grant funds due to lack of Florida Forever funding and therefore seeks a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) Governing Board hereby gives notice on April 14, 2011, SFWMD Order No. 2011-059-DAO-ROW was issued to CenturyLink (fka Sprint-Embarq) (Application No. 10-0927-3). The petition for waiver was received by the District on November 22, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 49, on December 10, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing aerial fiber optic cable, hung on Florida Power and Light Company poles, to remain within the Airport Road Canal right of way, approximately 88' south of the centerline of the Vanderbilt Beach Road bridge; Section 35, Township 48 South, Range 25 East, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. 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), Fla. Admin. Code, which governs the minimum vertical clearance requirement for utility crossings 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 is based upon a substantial hardship and principles of fairness.

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

The South Florida Water Management District (District) Governing Board hereby gives notice on April 14, 2011, SFWMD Order No. 2011-060-DAO-ROW was issued to Robert Kyle and Joy Luanne Ray (Application No. 11-0304-1). The petition for waiver was received by the District on March 4, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 11, on March 18, 2011. No public comment was received. This Order provides a waiver of the District's criteria to allow for the temporary utilization of L-28 Canal for traveling to and from property located 1.3 miles from L-28 in Big Cypress; Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin.

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), Fla. Admin. Code, which governs the requirement that, except for private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary use will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

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

NOTICE IS HEREBY GIVEN that on April 25, 2011, the South Florida Water Management District (District), received a petition for waiver from the City of Naples Utility Department, Application No. 11-0425-1, for utilization of Works or Lands of the District known as the Golden Gate Main Canal for installation of a pump station intake and a transmission main. The project proposed within the Golden Gate Main Canal right of way will be located at the intersection of Airport Road Bridge and Golden Gate Canal; Section 26, Township 49 South, Range 25 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. 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 at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 27, 2011, the South Florida Water Management District (District), received a petition for waiver from Big Cypress National Preserve, Application No. 10-0513-1, for utilization of Works or Lands of the District known as the L-28 Interceptor Canal for construction of a public boat ramp, floating dock, culvert connection, fencing, bollards, and guardrail associated with a recreational access facility within the west right of way of L-28I, located at I-75; Section 35 & 36, Township 49 South, Range 34 East, Collier County. The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4) and

(6), Fla. Admin. Code, which governs placement of permanent & semi-permanent above-ground structures within 40' of top of canal bank and within designated 100' long equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Agency for Health Care Administration – THIS NOTICE OF PETITION FOR VARIANCE AND WAIVER HAS BEEN CANCELLED, received a petition for Variance or Waiver of paragraph 59A-35.070(1)(c), Florida Administrative Code, from the following:

Colonial Care NH, L.L.C. d/b/a Lexington Health and Rehabilitation Center
6300 46th Avenue North
St. Petersburg, FL 33709

Jackson Heights, NH, L.L.C. d/b/a Unity Health and Rehabilitation Center
1404 N.W. 22nd Street
Miami, FL 33142

Lady Lake NH, L.L.C. d/b/a Lady Lake Specialty Care Center
620 Griffin Avenue
Lady Lake, FL 32159

Venice NH, L.L.C. d/b/a/ Sunset Lake Health and Rehabilitation Center
832 Sunset Lake Boulevard
Venice, FL 34292

Springs of Lady Lake ALF, L.L.C. d/b/a Springs of Lady Lake
620 Griffin Avenue
Lady Lake, FL 32159

The petition requests a variance or waiver of rule provisions that give only one sixty day extension on a change of ownership application effective date. Petitioners seek to extend their change of ownership application effective date to August 1, 2011. Public comments must be received by close of business on May 20, 2011.

THIS NOTICE OF PETITION FOR VARIANCE AND WAIVER HAS BEEN CANCELLED.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine Novak, Esquire, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308 or via email at: Lorraine.Novak@ahca.myflorida.com or at (850)412-3660. Written comments may also be sent to Lorraine Novak at the Agency for Health Care Administration.

NOTICE IS HEREBY GIVEN that on March 15, 2011, the Agency for Health Care Administration, received a petition for waiver of subsection 59A-35.100(2), F.A.C., filed by Center of Orlando for Women, LLC d/b/a Orlando Women's Center. This facility is located at 1103 Lucerne Terrace, Orlando, Florida 32806. This rule states that with the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal. The Petitioner seeks a waiver of this rule as to the requirement that more than one license will not be issued to operate the same provider types at the identical physical or street address. The Petitioner is seeking a renewal of its' license.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Saliba, Esquire, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, FL 32308, Richard.saliba@ahca.myflorida.com, telephone (850)412-3666, Fax (850)413-9391. Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after this notice.

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 March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Fifth Third Bank, filed February 1, 2011, and advertised in Vol. 37, No. 6 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies 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 because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-037).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 4, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Bayshore Royal Condo, filed March 7, 2011, and advertised in Vol. 37, No. 12, 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 2.2.4, 2.3.1, 3.4.1, 3.4.2, 3.4.4(a)(1), 3.9.1(a), 3.10.2 and 3.10.3 ASME A17.3, 1996 edition, and from Rule 8.6.1.6.3(a) 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 providing ventilation to prevent overheating, access to pits, a fully enclosed car, a car door or gate, top emergency exits, normal terminal stopping devices, an operating device that automatically returns to the stop position unless it is being held, a top-of-car operating device and up-to-date wiring diagrams in the machine room 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 2011-083).

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 April 23, 2011, the Department received a letter withdrawing the Petition for variance for Air Traffic Control Tower – Albert Whitted Airport, filed April 5, 2011, and advertised in Vol. 37, No. 15 of the Florida Administrative Weekly. The Petition for variance requested a variance from Rule 2.2.2, 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 a drain or sump pump in elevators equipped with firefighter's service. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2011-104).

A copy of the Petition 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 May 4, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Hilton, filed April 5, 2011, and advertised in Vol. 37, No. 15, 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 June 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 2011-105).

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 March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Bay Plaza Condo, filed April 11, 2011, and advertised in Vol. 37, No. 16 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 2.27.3.3.7, ASME A17.1, 2007 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 the elevator operating panel be positioned behind a locked panel because the Petitioner has not met its burden as this feature, required under the new rules, was not properly permitted and installed (VW 2011-110).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Nine Fifty Broadway, filed October 8, 2010, and advertised in Vol. 36, No. 44 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting (VW 2010-646).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Strathmore Garden Apts., filed November 18, 2010, and advertised in Vol. 36, No. 48 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting and has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-692).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Tampa Racquet Club Condo, filed December 9, 2010, and advertised in Vol. 36, No. 51 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting (VW 2010-717).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 3, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Park Plaza Apts. II, filed December 15, 2010, and advertised in Vol. 36, No. 51 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the Division with the specific rule adopted by paragraph 61C-5.001(1)(a), F.A.C., for which they are requesting (VW 2010-722).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN that on April 21, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Regency Square. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-133).

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

NOTICE IS HEREBY GIVEN that on April 21, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Porta Bella Yacht & Tennis Club. Petitioner seeks an emergency variance of the requirements of ASME 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), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations and restricted door openings 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 2011-134).

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

NOTICE IS HEREBY GIVEN that on April 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Pipers Ten Condo Association. Petitioner seeks a variance of the requirements of ASME A17.3, Section 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 elevators to be equipped with emergency 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 2011-135).

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

NOTICE IS HEREBY GIVEN that on April 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Pendleton School. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and a metallic sheave 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 2011-136).

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

NOTICE IS HEREBY GIVEN that on April 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Harbourside. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.7.4, 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 restricted door openings 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 2011-137).

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

NOTICE IS HEREBY GIVEN that on April 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Bank of America. 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 2011-138).

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

NOTICE IS HEREBY GIVEN that on April 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Top-of-the-World. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.10.4(u), 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 stop switch in an elevator car be keyed or behind a locked cover 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 2011-139).

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 May 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Palms West Hotel. 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 2011-142).

A copy of the Petition 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 April 29, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Turnage Office Bldg., filed April 11, 2011, and advertised in Vol 37, No 16, 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, 2004 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 drain or sump pump be installed in the elevator pit 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 2011-111).

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

NOTICE IS HEREBY GIVEN that on April 28, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, from Taqueria Chazumba located in Clearwater. The above referenced F.A.C. addresses the requirements that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business for customer use only.

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

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

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(6), Florida Administrative Code and Section 6-201.18, 2001 FDA Food Code, paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Tea & Wine Loft LLC located in Ft. Myers. The above referenced F.A.C. addresses the requirement that studs, joists and rafters may not be exposed in areas subject to moisture and that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to operate with exposed studs, joists or rafters in food preparation areas and utilize bathrooms for customers and employees located on a different level.

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

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

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, from GIGI located in Miami. 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 licensed food service establishment under the same ownership. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on April 25, 2011, the Bureau of Beaches and Coastal Systems, received a petition for a variance, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from Coastal Tech Corp., in behalf of ZOG Limited Partnership. The petition requests a permanent variance from subsections 62B-33.013(3) and (5), F.A.C., which provides for one three-year time extension to complete permitted activities and the requirement that if construction is not completed after additional granting of time, the applicant must submit a new application for permit, respectively. The property is located at 1160-1162 S. Ocean Dr., Ft. Pierce, St. Lucie Co.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us. The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 30 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 15, 2011, the Board of Optometry, received a petition for waiver or variance filed by Gary LeeSue, O.D., seeking a variance from Rule 64B13-4.002, F.A.C., with regard to an extension of time to allow a second retake due to the dates of the tests not being within the two year period by one and one-half weeks.

Comments on this petition should be filed with the Board of Optometry, 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, Board of Optometry, at the above address, or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN that on May 2, 2011, the Board of Optometry, received a petition for waiver or variance filed by Thanh Kim Dau, O.D., seeking a permanent waiver from subsection 64B13-4.004(2), F.A.C., with regard to the time frame for submission of the application for examination. Comments on this petition should be filed with the Board of Optometry, 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, Board of Optometry, at the above address, or telephone (850)245-4620.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on April 13, 2011, the Department of Children and Families, received a petition for waiver of Rule 65C-14.055, Florida Administrative Code, from Youth Crisis Center, Inc. and Darryl Mathhews, assigned Case No. 11-014W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct child care staff shall have a bachelor's degree in social work, or related area of study from a college or university and at least 2 years of experience in working with children or 2 years of college and 4 years of experience working with children.

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

NOTICE IS HEREBY GIVEN that on April 13, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(4), Florida Administrative Code, from Youth Crisis Center, Inc. and Richard Toston, assigned Case No. 11-015W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct child care staff shall have a bachelor's degree in social work, or related area of study from a college or university and at least 2 years of experience in working with children or 2 years of college and 4 years of experience working with children.

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

NOTICE IS HEREBY GIVEN that on April 15, 2011, the Agency for Persons with Disabilities, received a petition for Variance from subsection 65G-7.003(4), F.A.C., which states as follows, “(4) Only licensed registered nurses or Advanced Registered Nurse Practitioners may conduct training courses for medication administration assistance certification.”

The Petitioner for this Variance is Liberty Ambulance Service, Inc.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Angela Green, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9499, angela_green@apd.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on April 27, 2011, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.020(3), F.A.C., which deals with the terms and conditions of loans for HOME rental developments, from Winchester Gardens Preservation, LP. The petition is seeking a waiver asking for a waiver of the required annual fixed interest payment for loan financing provided through the HOME Investment Partnerships Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services, Division of State Fire College hereby gives notice that on April 4, 2011, the Department of Financial Services, Division of State Fire College issued an Amended Order Denying Petition for Variance or Waiver, assigned the number 114956. This amended order provides Petitioner administrative rights that were not in the original order dated March 23, 2011 and replaces that order in its entirety. On February 1, 2011, the Department of Financial Services, received a Petition for

Variance or Waiver from Petitioner, Tony Sanchez. Petitioner sought a variance of subsection 69B-211.042(9), Florida Administrative Code, which provides for additional waiting periods for multiple felony crimes. The original order and Amended Order Denying Petition for Variance or Waiver found that the underlying purpose of the statute has not been met and that the Petitioner failed to provide evidence of economic hardship or a violation of principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Regina Keenan, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4236.

**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: June 1, 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