

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly.

Form OIR-B1-1802 “Uniform Mitigation Verification Inspection Form” has been revised to reflect comments submitted at the public hearing. The revised form is available from the contact person, Michael Milnes at Michael.milnes@flor.com.

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF LAW ENFORCEMENT**

The Violent Crime and Drug Control Council hereby gives notice that on October 13, 2011, the Violent Crime and Drug Control Council has issued an order.

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., by the Fort Lauderdale Police Department. Subsection 11N-1.0051(15), F.A.C., forbids the use of Council moneys by grant recipient agencies to buy equipment. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 37, No. 37 on October 7, 2011.

On October 12, 2011, at its regularly scheduled business agenda meeting held via telephone conference from Tallahassee, Florida, the Council found that the Petitioner’s situation is not unique. The Petitioner failed to demonstrate that the strict application of the Council’s rules in this case would violate the principles of fairness. The Petitioner bought the equipment at issue with Council funds knowing that Council funding was not authorized for the purchase of equipment. The Council found that the purposes of the underlying statute, to ensure that the Council distributes grants in accord with its rules and that grantees use the funds in accord with Council rules, will not be met by granting this waiver request. The Commission denied the Petitioner’s waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN that on September 26, 2011, the Agency for Workforce Innovation (now known as Florida’s Office of Early Learning), received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by: The Early Learning Coalition of Broward County, 6301 N.W. 5th Way, Suite 3400, Ft. Lauderdale, FL 33309.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Florida’s Office of Early Learning, 600 S. Calhoun St., Suite 152, Tallahassee, FL 32399.

**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 October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Highland Towers, filed August 18, 2011, and advertised in Vol. 37, No. 35, 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 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards until March 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-274).

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 October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from The 600 Center, filed August 22, 2011, and advertised in Vol. 37, No 35, 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 January 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-279).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from SunTrust, 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 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 March 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-284).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Tropical Manor Hotel, filed August 30, 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 3.11.1(a)(2) and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires two-way communication and platform guards until August 14, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-287).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Wells Fargo Bank N.A., filed August 19, 2011, and advertised in Vol. 37, No. 35 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 2.7.4, 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 restricted door openings because evidence of substantial hardship was not provided to merit such a lengthy variance (VW 2011-278).

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.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Pines of Boca Barwood II, filed August 31, 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 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 failed to meet its burden as the features required under the new rules will not be installed within a reasonable time period and no means of meeting the intent of the code have been put forth (VW 2011-289).

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.

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NOTICE IS HEREBY GIVEN that on October 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lee County Constitutional Complex. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1)&(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 suspension and governor ropes be no less than 9.5mm 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 2011-344).

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

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NOTICE IS HEREBY GIVEN that on October 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lee County Constitutional Complex. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a 5 feet deep pit 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 2011-345).

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

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NOTICE IS HEREBY GIVEN that on October 12, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lee County Constitutional Complex. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.10.2.1 and 2.4.6.2(c), 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 42" high car-top handrail 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 2011-346).

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

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NOTICE IS HEREBY GIVEN that on October 13, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Best Western. 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 2011-347).

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

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NOTICE IS HEREBY GIVEN that on October 13, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The DoubleTree Hotel. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.11.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, restricted door openings and emergency communication and signaling 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 2011-348).

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

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NOTICE IS HEREBY GIVEN that on October 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Florida Gulf Coast University, Student Housing #4. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.18.5.1, 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 metallic sheaves and that suspension and governor ropes be no less than 9.5mm 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 2011-350).

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

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on September 26, 2011, the Department 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 Petition for this variance was published in Vol. 37, No. 40 on October 7, 2011. The Order for this Petition was signed on October 13, 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 IL Forno Ristorante (SEA2332375) are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices and are 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 IL Forno Ristorante changes, an updated 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.

NOTICE IS HEREBY GIVEN that on October 14, 2011, the Electrical Contractors' Licensing Board, received a petition for Johnson and Xanboo, Inc., seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with: The Electrical Contractors' Licensing Board within 14 days of publication of this notice.

#### **FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation hereby gives notice:  
NAME OF THE PETITIONER: COLONIAL LAKES APARTMENTS, LTD, et al

DATE PETITION WAS FILED: September 14, 2011.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.027, F.A.C., which prohibits submitting an Application for Housing Credits to Florida Housing, until after tax exempt bonds have been issued to the Development and subsection 67-48.0072(10), F.A.C., which requires the Credit Underwriter

to review and determine whether there will be a negative impact to Guarantee Fund Developments within the primary market area or within five miles of the proposed Development.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 23, 2011, Vol. 37, No. 38

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 14, 2011

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone: (850)488-4197.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: Florida Housing Finance Corporation or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website: floridahousing.org.

The Florida Housing Finance Corporation hereby gives notice:  
NAME OF THE PETITIONER: SEVILLE PLACE HOLDINGS

DATE PETITION WAS FILED: August 26, 2011.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.027, F.A.C., from SEVILLE PLACE HOLDINGS, LTD, with respect to the restriction on submitting an Application (as defined in subsection 67-48.002(9), F.A.C.), to Florida Housing, as required pursuant to Rules 67-48.004 and 67-48.0072, F.A.C., until after tax exempt bonds have been issued to the Development.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 9, 2011, Vol. 37, No. 36

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 14, 2011

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, (850)488-4197 or e-mail: Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that on September 30, 2011, the Department of Financial Services, Division of State Fire Marshal, received a petition for Variance or Waiver from Solid Waste Authority of Palm Beach County (“SWA”). The Petition requests a petition for variance relating to Chapter 554, F.S. Petitioner seeks a variance of Rule 69A-51.010, Florida Administrative Code, which requires “adoption of ASME Boiler Pressure Vessel Code, 1998 Edition and all 1999 amendments, addenda and interpretation thereto...” to adoption of the latest version of the Code, or “adoption of ASME Boiler Pressure Vessel Code, edition 2010/2011 Addenda.”

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linje Rivers, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3110; Fax: (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to: [Linje.Rivers@myfloridacfo.com](mailto:Linje.Rivers@myfloridacfo.com).

**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: November 15, 2011, 9:00 a.m.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

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

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

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

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency’s Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans’ Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative