

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-3.001	Certification of 911 Emergency Dispatchers
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Emergency Dispatchers Certification

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. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly. Forms DH 5066, DH 5067 and DH 5068 have been updated. For information pertaining to these forms you can contact Rebecca Cash at (850)245-4440, ext. 2725 or at rebecca_cash@doh.state.fl.us.

**Section IV
Emergency Rules**

NONE

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on January 17, 2012, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration, received a petition for Waiver or Variance of paragraph 59A-35-060(1)(w), F.A.C., which is the application for licensure as a health care clinic under Part X, Chapter 400, Florida Statutes, from Ultracare Imaging Services, Inc. the nature of the rule refers to an application for a health care clinic license that is adopted by reference. The petitioner filed an initial application for a health care clinic license with the agency on January 17, 2012, after a renewal application of the petitioner was involuntarily withdrawn from further consideration by final order effective September 25, 2011. The petitioner requests that when an initial license is issued by the agency, it is back-dated to September 25, 2011, about 4 months before the initial application was received by the agency. The petition asks that the former license number be restored. The basis for relief is hardship. The Health Care Clinic Unit will accept comments concerning this Petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the agency on or before 5:00 p.m. (EST), on the 14th day to the contact, below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dennis LaRosa, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308, email: Dennis.LaRosa@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 31, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Beach Pharmaceuticals in Tampa, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20 and 2.18 as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter 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 2012-033).

A copy of the Petition for Variance or Waiver 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 January 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Building 1029, Florida State Hospital in Chattahoochee, FL. Petitioner seeks an variance of the requirements of ASME A17.3, Section 3.11.1, 3.4.5, 3.10.4(t) and A17.1, Section 2.13.3.4, 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, emergency lighting, two-way communications and a key4ed stop switch 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 2012-030).

A copy of the Petition for Variance or Waiver 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 January 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Cypress Commons in Tampa, FL. 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 2012-032).

A copy of the Petition for Variance or Waiver 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 January 27, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Gameroom Sawgrass located in Sunrise, FL. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facilities located within another licensed establishment located on the same premise.

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 January 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for McCabe Building in Naples, FL. 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 steel ropes of a minimum diameter of 9.5 mm 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 2012-028).

A copy of the Petition for Variance or Waiver 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 January 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Mercantile Bank Plaza in Winter Park, FL. 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 2012-031).

A copy of the Petition for Variance or Waiver 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 January 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Terraces at Bonita Springs. 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 steel ropes of a minimum diameter of 9.5 mm 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 2012-024).

A copy of the Petition for Variance or Waiver 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 January 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for UWF College of Business. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.7.6, 2.20.1, 2.20.2.1, 2.20.2.2, 2.20.3, 2.20.4, 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 steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter 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 2012-029).

A copy of the Petition for Variance or Waiver 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 January 27, 2012, the the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for UWF Presidents Hall. 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 steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter 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 (VW 2012-034).

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice on December 22, 2011, an order was filed on the Petition for Waiver/Variance. The Petition for Waiver and/or Variance was filed by Meenakshi LaCorte, M.D., on September 14, 2011, seeking a waiver or variance from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for official transcripts from Petitioner's medical school. The Notice was published in Vol. 37, No. 38, of the Florida Administrative Weekly, on September 23, 2011. The Credentials Committee, at its meeting held on December 1, 2011, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 3, 2011, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship, met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that on December 22, 2011, an Order was filed on the Petition for Waiver and/or Variance. The Petition for Waiver and/or Variance was filed on behalf of Edward K. Miller, M.D., on October 24, 2011, seeking a waiver or variance from paragraph 64B8-13.0045(2)(b), F.A.C., with regard to the requirement for taking and passing the SPEX examination for the purpose of

reinstatement of a retired license. The Notice was published in Vol. 37, No. 45, of the Florida Administrative Weekly, on November 10, 2011. The Credentials Committee, at its meeting held on December 1, 2011, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 3, 2011, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship, met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Osteopathic Medicine hereby gives notice on January 4, 2012, an order was filed on the Petition for Waiver/Variance. The Petition for Waiver and/or Variance was filed by Andrew V. Nicholes, D.O., on October 31, 2011, seeking a waiver or variance from Rule 64B15-13.001, F.A.C., with regard to the requirement for continuing medical education (CME) to be obtained by the completion of live, participatory attendance courses. The Notice was published in Vol. 37, No. 46, of the Florida Administrative Weekly, on November 18, 2011. The Board, at its meeting held on December 6, 2011, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056.

The Board of Osteopathic Medicine hereby gives notice on January 4, 2012, an Order was filed on the Petition for Waiver/Variance. The Petition for Waiver and/or Variance was filed on behalf of David J. Sassano, D.O., on October 31, 2011, seeking a waiver or variance from Rule 64B15-14.0051, F.A.C., with regard to the requirement for continuing medical education (CME). The Notice was published in Vol. 37, No. 45, of the Florida Administrative Weekly, on November 10, 2011. The Board, at its meeting held on December 6, 2011, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056.

NOTICE IS HEREBY GIVEN that on January 20, 2012, the Board of Physical Therapy Practice, received a petition for by Lana Stevens, seeking a variance or waiver of Rule 64B17-3.003, Florida Administrative Code, Ms. Stevens requests the Board to waive the requirements to this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Physical Therapy Practice/MQA within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Agency for Persons with Disabilities hereby gives notice: Agency for Persons with Disabilities has issued an Order Denying Petition for Variance from paragraph 65G-5.004(2)(b), F.A.C. filed by Advantage Home Assistant Care, Inc., on September 2, 2011. Paragraph 65G-5.004(2)(b), F.A.C. states that neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit.

The following is a summary of the agency’s disposition of this petition: The Agency’s Final Order denies the Petition on the grounds that the Petitioner failed to demonstrate that the application of the rule, as written, would either create a substantial hardship or violate principles of fairness in order to be granted a variance. Additionally, the Petitioner failed to demonstrate that the purpose of the underlying statute would still be achieved if the variance was granted.

A copy of the Order or additional information may be obtained by contacting: Percy W. “Pete” Mallison, Jr., Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that on January 17, 2012, the Agency for Persons with Disabilities, received a petition for Variance from Duvall Home seeking Variance from subparagraph 65G-2.013(7)(b)10., F.A.C., relating to Residential Habilitation Standards subsection 10 which states that, “All doors with locks must be readily opened from the inside.”

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

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN that on January 25, 2012, the Financial Services Commission, Office of Insurance Regulation, received a petition for The Office of Insurance Regulation hereby gives notice that the Office of Insurance Regulation (the “Office”) has issued an Order granting the Petition to Amend and Extend Order Granting Variance from Rule 69O-125.003, F.A.C., filed on December 22, 2011, by Monumental Life Insurance Company. The Notice of Petition for Variance was published in Vol. 38, No. 3, January 20, 2012, Florida Administrative Weekly. The petition seeks a variance from Rule 69O-125.003, F.A.C., which prohibits insurance providers from making underwriting decisions based upon an applicant’s intent to engage in future lawful foreign travel or past lawful foreign travel. On February 15, 2008, the Office issued an Order granting insurance providers a two year variance or waiver of Rule 69O-125.003, F.A.C., as it pertains to travel to Iraq and Afghanistan. On December 17, 2009, the Office issued an Order extending the variance of Rule 69O-125.003, F.A.C., as applied to travel to Iraq and Afghanistan, for an additional two years. The petition seeks to extend the variance for a third time. The Office has considered the petition and concluded that the application of Rule 69O-125.003, F.A.C., as it pertains to Iraq and Afghanistan, would create a substantial hardship for insurance providers. As a result, the Office has issued an Order, filed on January 24, 2012, approving the requested waiver or variance for an additional two years. Until February 15, 2014, insurers of all forms of insurance designated in Rule 69O-125.003, F.A.C., may factor into their underwriting an applicant’s travel plans to Iraq or Afghanistan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debra Seymour at debra.seymour@flor.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