

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121 to file the complaint with the Division.

(b) Any other person, except supervisors of elections or their staff, may report allegations of irregularities or fraud involving voter registration by filing an elections fraud complaint with the Division. See Rule 1S-2.025, F.A.C.

(c) Supervisors of elections or their staff shall report any untimely filed voter registration application submitted by an organization by sending the Division an explanatory statement in an email and attaching documents which reflect the untimely submission in pdf format to 3PVRO@dos.myflorida.com, or by transmitting the explanatory statement and documentation to the Division’s facsimile machine at (850)245-6291, or by having them delivered by express mail or expedited courier service. For any application containing an organization’s identification number --but no other information indicating it was collected by a third-party voter registration organization, such as a cover letter or a “date delivered” mark as required by paragraph (4)(b) and that was received after the book closing date or more than 10 days after the date on which the applicant signed it – the explanatory statement should include a description of the supervisor’s efforts to contact the applicant to confirm that the application was delivered to the organization.

(d) The Secretary of State will not refer a violation to the Attorney General unless there is evidence that the applicant entrusted the voter registration application to a third-party voter registration organization.

(9) Effective Date. This rule is effective on August 15, 2012.

Rulemaking Authority 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS. Law Implemented 97.012(1), (2), (15), 97.021(37), 97.053, 97.0575 FS. History—New 2-26-09, Amended 5-31-10, 11-2-11, 8-15-12.

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: August 15, 2012

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

### STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN that on July 31, 2012, the State Board of Administration of Florida (SBA), Florida Hurricane Catastrophe Fund, received a petition for Emergency Variance or Waiver from Rules 19-8.010 and 19-8.030, F.A.C., from American Coastal Insurance Company. The above referenced

rules address, among other things, the timing of selections of optional coverage. The Petitioner is requesting that the deadlines be waived and an untimely cancellation of optional coverage be allowed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tina Joanos, Agency Clerk, SBA, P. O. Box 13300, Tallahassee, FL 32317-3300 or email: Tina.Joanos@sbafla.com. Any interested person or other agency may submit written comments on the Petition for Emergency Waiver or Variance. To be considered, comments must be received by the close of business on the 5th day following publication of this notice in the August 17, 2012, edition of the Florida Administrative Weekly. Comments should be sent to the Agency Clerk at the address provided above.

NOTICE IS HEREBY GIVEN that on August 7, 2012, the State Board of Administration of Florida (SBA), Florida Hurricane Catastrophe Fund, received a petition for Emergency Variance or Waiver from Rules 19-8.010 and 19-8.030, F.A.C., from Cypress Property & Casualty Insurance Company. The above referenced rules address, among other things, the timing of selections of optional coverage. The Petitioner is requesting that the deadlines be waived and an untimely cancellation of optional coverage be allowed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tina Joanos, Agency Clerk, SBA, P. O. Box 13300, Tallahassee, FL 32317-3300 or email: Tina.Joanos@sbafla.com. Any interested person or other agency may submit written comments on the Petition for Emergency Waiver or Variance. To be considered, comments must be received by the close of business on the 5th day following publication of this notice in the August 17, 2012, edition of the Florida Administrative Weekly. Comments should be sent to the Agency Clerk at the address provided above.

### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission hereby gives notice that the Florida Division of Chesapeake Utilities Corporation’s petition for waiver of paragraph 25-7.045(8)(a), Florida Administrative Code, filed April 12, 2012, in Docket No.: 120081-GU was approved by the Commission by Order No.: PSC-12-0354-PAA-GU, issued July 9, 2012, consummated by Order No.: PSC-12-0403-CO-GU, issued August 6, 2012. The rule requires companies to file a depreciation study at five year intervals. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on May 4, 2012.

A copy of the Order or additional information may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on August 3, 2012, South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver from George Abraham regarding Application No.: 12-0507-3 for utilization of Works or Lands of the District known as the C-14 Canal; Section 1, Township 49 South, Range 42 East, Broward County. The District originally received the petition for waiver from Mr. Abraham on July 11, 2012, and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 30, on July 27, 2012. No public comment was received. A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, Florida 33406-4680, (561)682-6268 or e-mail: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on July 24, 2012, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 120724-9) from Monte Foster (Foster Residence), 12965 Calais Circle, Palm Beach Gardens, FL 33410. The property is located in Palm Beach County, Section 32, Township 43 South, Range 41 East. The petition seeks relief from provisions in subsection 40E-24.201(6), Florida Administrative Code, which states that irrigation of existing landscaping shall be conducted on specific days, pursuant to Section 120.542, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. To be considered, comments must be received by the close of business on August 31, 2012, at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

For additional information, contact: Patrick Martin, (561)682-2176 or e-mail: pmartin@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on February 23, 2012, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 120223-6) from Sabal Pine South Association Inc. (Sabal Pine Condominium), 2840 S.W. 22nd Avenue, Delray Beach, FL 33445. The property is located in Palm Beach County, Section 30, Township 46 South, Range 43 East. The petition seeks relief from provisions in subsection

40E-24.201(6), Florida Administrative Code, which states that irrigation of existing landscaping shall be conducted on specific days, pursuant to Section 120.542, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Regulation Division, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone: (561)682-6911; by e-mail: permits@sfwmd.gov or, by accessing the District's website: www.sfwmd.gov/ePermitting using the Application/Permit Search. To be considered, comments must be received by the close of business on August 31, 2012, at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn.: District Clerk.

For additional information, contact: Patrick Martin, (561)682-2176 or e-mail: pmartin@sfwmd.gov.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Mack Bayou Medical, filed June 14, 2012, and advertised in Vol. 38, No. 26, 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 2.8.5.1 ASME A17.1b, 2009 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators to allow the air conditioner unit above the reservoir 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 2012-193).

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 August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Silver Beach Club, filed June 7, 2012, and advertised in Vol. 38, No. 25, 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 3.9.1 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 normal terminal stopping devices until July 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 2012-188).

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 August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Steiner Stone, LLC, filed July 13, 2012, and advertised in Vol. 38, No. 30, 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 August 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 2012-225).

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 August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Rood Legal Building, filed July 13, 2012, and advertised in Vol. 38, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 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 upgrading the elevators from installing a bulkhead on in ground hydraulic cylinders until July 13, 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 2012-224).

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 August 7, 2012, the Division issued an

order. The Final Order was in response to a Petition for an emergency Variance from Breakers Condo (The), filed July 16, 2012, and advertised in Vol. 38, No. 30, 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 303.3d ASME A17.1, 1981 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 from providing a shut-off valve 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 2012-229).

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 August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Vero Towers, filed July 16, 2012, and advertised in Vol. 38, No. 30, 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, 3.3.2, 3.10.4(q), and 3.10.3 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, top-of-car operating devices, normal terminal stopping devices and platform guards until July 1, 2015, 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 2012-228).

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 August 7, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Venetian of Treasure Island, filed July 16, 2012, and advertised in Vol. 38, No. 30, 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 2.7.3, 2.12.6.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for access to machine room and hoistway door unlocking devices 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 2012-230). 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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NOTICE IS HEREBY GIVEN that on August 3, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lee County Justice Center. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.1.3.1, and 2.7.6 as adopted by Chapter 30, Section 3001.2, Florida Building Code, that requires upgrading the elevators floor over hoistways and location of machine rooms and control rooms 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 2012-256). 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 August 3, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Clearwater Clinical. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 3.4.4, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators top car clearance 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 2012-254). 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 August 3, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Douglas Fraser Towers Apartments. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3 and A17.1, 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 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 2012-253).

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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 August 3, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Fort Myers-Lee County Library. 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 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-255).

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 July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Citadel I & II Limited Partnership. Petitioner seeks a variance of the requirements of an unspecified Section of 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, 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 2012-251).

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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 7, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Clarion Resort, filed October 24, 2011, and advertised in Vol. 37, No. 45 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, as Petitioner did not specify which elevator codes the request was from, 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 2012-363).

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, 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 August 1, 2012, the Department issued a Final Order that was in response to a Petition for Variance from 933 Office Building, filed July 2, 2012, and advertised in Vol. 38, No. 29 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 Petitioner previously stated they would meet the code by July 2012, now wishes for an undetermined date with no explanation as to what has changed to justify this open-ended request, 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 2012-209).

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 August 1, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Regency West Apt., A Condo, filed July 6, 2012 and advertised in Vol. 38, No. 29 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 requirement has been in place for several years and 2 alterations have been performed without this being addressed, 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 2012-216).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for an

emergency Variance from Sea Palms Condo, filed July 6, 2012, and advertised in Vol. 38, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.7.2.1.5 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators control of smoke and hot gases 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 2012-215).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Lake Worth Towers, filed June 21, 2012, and advertised in Vol. 38, No. 27, 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, 2.7.4, ASME A17.3, 1996 edition, and 8.11.2.1.1(c), 8.11.2.1.4(b) 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 upgrading the elevators for firefighters' emergency operations, restricted door openings, and inspections including operating control devices and hoistway doors until July 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 2012-198).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Compson financial Center, filed June 22, 2012, and advertised in Vol. 38, No. 27, 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 30, 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 2012-200).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Adventist HQ Bldg. 2, filed June 27, 2012, and advertised in Vol. 38, No. 27, 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 2.24.2, 2.20.1, and 2.20.9 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators requirement of a machine room and the use of coated steel belt to allow the installation of an Otis Gen2tm elevator systems at the above project and sheaves and drums with nonmetallic grooves material and sheaves and drums shall have a pitch diameter of not less than (a) 40 times the diameter of the rope where used with suspension ropes (b) 32 times the diameter of the ropes where used with compensating ropes 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 2012-203).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Enclave Hotel & Suites, filed June 26, 2012, and advertised in Vol. 38, No. 27, 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 July 1, 2015, 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 2012-202).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Longboat Yacht & Tennis Club Mark III, filed June 25, 2012, and advertised in Vol. 38, No. 27, 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 July 1, 2015, 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 2012-201).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from 115 River Drive Condo Assoc., filed June 21, 2012, and advertised in Vol. 38, No. 27, 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, 2.7.4, 2.2.3, 3.9.1, and 3.10.4(t) 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, restricted door openings, lighting, normal terminal stopping devices and in-car stop switch until June 21, 2015, 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 2012-199).

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 August 1, 2012, the Division issued an

order. The Final Order was in response to a Petition for an emergency Variance from Isles Club I Condominium Assoc. Inc., filed June 29, 2012, and advertised in Vol. 38, No. 29, 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 303.3d ASME A17.1, 1987 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 from providing a shut-off valve 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 2012-208).

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 August 1, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Lakewood Park, filed July 2, 2012, and advertised in Vol. 38, No. 29, 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 5.2.1.12(d) 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 upgrading the elevators hoistway access 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 2012-210).

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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on July 12, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), (2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, and Section 5-203.13, 2001 FDA Food Code from The Wild Greens Café (formerly the Marinated Mushroom) located in Tallahassee, FL. The above referenced F.A.C. addresses that each establishment must have at least one accessible bathroom for use by customers and employees and at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share bathroom and mop sink areas located within Bread and Roses Food Cooperative (Firm #339678).

The Petition for this variance was published in Vol. 38, No. 30 on July 27, 2012. The Order for this Petition was signed on August 1, 2012, 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 that the mop sink and bathroom areas within the Bread and Roses Cooperative Exchange (Firm #339678) are maintained in a clean and sanitary manner, all sinks are provided with hot and cold running water under pressure and available during all hours of operation. The Petitioner shall also ensure the bathrooms located within Bread and Roses Cooperative are provided with soap, approved hand drying devices, and directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Bread and Roses Cooperative changes, an updated signed agreement for use of all facilities is required immediately.

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

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NOTICE IS HEREBY GIVEN that on July 25, 2012, the Board of Accountancy, received a petition for Israel Perez, seeking a variance or waiver of paragraphs 61H1-27.002(2)(a) and (b), Florida Administrative Code, which requires that an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows: 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation; 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy at the above address, within 14 days of publication of this notice.

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#### DEPARTMENT OF HEALTH

The Board of Clinical Laboratory Personnel hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on March 28, 2012, by

Julie Ann Reemelin. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 15, of the April 13, 2012, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of Rule 64B3-5.003, Option 1, Florida Administrative Code, entitled "Technologist." Petitioner is seeking a variance or waiver of paragraph 64B3-5.003(3)(a), Option 1, Florida Administrative Code, which sets forth the requirements for a specialty licensure as a technologist. The Board considered the instant Petition at a duly-noticed meeting, held May 11, 2012, in Orlando, Florida. The Board's Order, filed on May 29, 2012, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute would be met by granting a variance or waiver from paragraph 64B3-5.003(3)(a), Option 1, F.A.C. The Board further finds that Petitioner failed to establish that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN that on July 26, 2012, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Shelby Keirn, M.A., seeking a variance or waiver of paragraph 64B4-31.007(1)(a), F.A.C., which defines a licensed mental health counselor who is a qualified supervisor as one who holds an active license as a mental health counselor in the state of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

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The Board of Osteopathic Medicine hereby gives notice that the Petition for waiver or variance filed on behalf of Bodo Pyko, D.O., from Rule 64B15-14.0051, F.A.C., has been withdrawn, upon request of the Petitioner. The Notice of Waiver or Variance was published in Vol. 38, No. 27, of the July 6, 2012, issue of the F.A.W. The person to be contacted regarding this Petition is: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, at the above address, or telephone (850)245-4161.

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The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Charles John Flagler, Psy.D., filed on December 4, 2009. The Notice of Petition for Variance and Waiver was published in Vol. 35, No. 50, of the December 18, 2009, Florida

Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on January 22, 2010. The Petitioner was seeking a permanent variance or waiver of Rule 64B19-11.005, F.A.C., with regard to an apprentice completing 6,240 hours of training within a five year limit after first registering with the Department and the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision conforms with this rule, including the requirement that it average as least two hours of clinical supervision each week, at least one of which is individual face-to-face supervision.

The Board's Order, filed on February 22, 2010, denies the Petition for Variance or Waiver. The Board found the Petition was not in substantial compliance with the provision of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. The Petitioner failed to establish that the purpose of the underlying statute would be met were he to be granted a variance from the rule, and he failed to establish that the application of the rule to his circumstances would violate principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Geoffrey Freebern, filed on September 14, 2009. The Notice of Petition for Variance and Waiver was published in Vol. 35, No. 39, of the October 2, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on October 16, 2009. The Petitioner was seeking a permanent variance or waiver of Rule 64B19-13.003, Florida Administrative Code, with regard to the requirement that sponsors providing continuing psychological education be approved by the Board or the American Psychological Association.

The Board's Order, filed on November 5, 2009, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that he meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.



The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Antonio Martinez-Monfort, Ph.D., filed on September 22, 2009. The Notice of Petition for Variance and Waiver was published in Vol. 35, No. 39, of the October 2, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on October 16, 2009. The Petitioner was seeking a permanent variance or waiver of Rule 64B19-11.005, Florida Administrative Code, with regards to the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with this rule.

The Board's Order, filed on November 6, 2009, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that he meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 8, 2012, the Florida Housing Finance Corporation, received a petition for Waiver from MLF 2, LTD, of paragraph 67-48.004(14)(i), F.A.C., which precludes changes to certain sections of the 2011 Universal Application after the Application Deadline.

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: [floridahousing.org](http://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.

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

#### DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2012, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: R.A. Gray Building, 500 South Bronough Street, Room 307, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Library Network Council will review the progress of implementation of the Florida Electronic Library and make recommendations on programs and services.

A copy of the agenda may be obtained by contacting: Stephanie Race, Florida Electronic Library Program Manager, [stephanie.race@dos.myflorida.com](mailto:stephanie.race@dos.myflorida.com) or (850)245-6630.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by calling: (850)245-6600 or TDD (850)922-4085. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stephanie Race, Florida Electronic Library Program Manager, email: [stephanie.race@dos.myflorida.com](mailto:stephanie.race@dos.myflorida.com) or (850)245-6630.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2012, 10:00 a.m.

PLACE: Alachua Regional Service Center, Florida Agency for Health Care Administration, 14101 N.W. Hwy. 441, Suite 800, Alachua, FL 32615-5669

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Council during which there will be a review of pertinent pesticide issues impacting on human health and the environment.

A copy of the agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Blvd., Mail #L6, Tallahassee, Florida 32399-1650, (850)617-7917.

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The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2012, 2:00 p.m.