

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.009
 RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associates Licensees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.020
 RULE TITLE: Post-licensing Education for Active and Inactive Broker and Sales Associates Licensees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NOS.: 64B18-14.002, 64B18-14.010
 RULE TITLES: Penalties, Citations

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 32, of the August 12, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

1. Paragraph 64B18-14.002(2)(rr) shall read as:

(rr) Failure to submit or update required information. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,500.00 to \$5,000.00 pursuant to Section 456.039(3), Florida Statutes.

Specific Authority 456.039(3), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

2. Subsection 64B18-14.010 shall read as:

(j) Failure to comply with Section 456.039(3)(b) a fine of \$50.00 per day.

Specific Authority 456.057, 456.072, 456.077, 456.077(2), 461.012, 461.13(7) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-125.003
 RULE TITLE: Unfair Discrimination Because of Travel Plans

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. 31, No. 47, November 23, 2005, of the Florida Administrative Weekly. These changes are being made for clarification.

Subsection (1) of Rule 69O-125.003, F.A.C., is revised to remove the word "solely" from the text of the rule.

The remainder of the rule reads as previously published.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Emergency Waiver on February 10, 2006, from Volusia County. The petitioner

seeks a waiver of paragraph 9B-43.014(1)(a), F.A.C., with respect to the procurement practice used by Volusia County in its Community Development Block Grant Disaster Recovery Initiative sub-grant award. This petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-061, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 9, 2006, meeting on a petition for waiver received from Shawn Jones, on January 27, 2006. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 32, No. 6, February 10, 2006. No public comment was received. The petition requested a waiver of Rules 11B-27.002, 11B-30.006, 11B-30.0062, 11B-30.013, and 28-104.002, F.A.C., pursuant to Section 120.542, F.S. Rule 11B-27.002, F.A.C., requires an officer to successfully complete basic recruit training, pass the State Officer Certification Examination, and gain employment as an officer within four years of beginning basic recruit training. The other rules deal with the State Officer Certification Examination or with other matters not applicable to the Petitioner's request to extend his time for completing training, passing the SOCE, and becoming employed. On February 9, 2006, the Criminal Justice Standards and Training Commission denied a waiver of this rule to Shawn Jones, in a final order, OGC File No.: VAR 06-1. This rule waiver was denied because the petitioner could not demonstrate that a strict application of the rule would result in undue hardship to him or would affect him differently than other similarly situated applicants and because he had not successfully fulfilled the requirements of Section 943.135, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD

2006-020-DAO-ROW), on February 8, 2006, to Miami-Dade County Public Works Department. The Amended petition for waiver was received by the SFWMD on December 27, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 32, No. 1, on January 6, 2006. No public comment was received. This Order provides a waiver for the proposed installation of light poles located approximately three feet to ten feet from the top of the canal bank within the east right of way of C-2 to be located directly behind the existing guardrail along S.W. 117th Ave. from S.W. 24th St. to S.W. 8th St., and the proposed installation of guardrail sections approximately 5 feet from the top of the canal bank opposite the District's five existing maintenance access openings along S. W. 117th Ave. from S.W. 43rd St. to approximately S. W. 59th Street; S7/T50S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.011(4), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Public Works Department from suffering a substantial hardship.

A copy of the Order can be obtained from Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 31, 2006 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Munch Time Wagon located in Cocoa. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 31, 2006 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Hammer’s Catering located in Cocoa. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 27, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), F.A.C., from the Comfort Inn Northeast located in Fern Park. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty (20).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from Patricia Serley of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Ocean Reef, Panama City Beach (Petition VW 2006-026).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety 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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The Residence at Sandpearl, Clearwater Beach (Petition VW 2006-027).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety 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.

NOTICE IS HEREBY GIVEN that on January 25, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Food to You, Inc. located in North Port. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from Stefano’s Gelato Cafe located in Oviedo. The above referenced F.A.C. state that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. Petitioner is requesting a variance to not have water plumbed in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(5), F.A.C., from Quality Inn Little Bite located in Orlando. The above referenced Florida Administrative Code address food equipment, utensils, and linens as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter four of the FDA Food Code. They are requesting to operate without a three-compartment sink or other methods of warewashing.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Liza's located in Orlando. The above referenced FACs address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The Waters Edge, Clearwater (Petition VW 2006-029).

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

The Bureau of Elevator Safety 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.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The University of Tampa Residence Hall VI, Tampa (Petition VW 2006-031).

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

The Bureau of Elevator Safety 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.

NOTICE IS HEREBY GIVEN that on October 13, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1, and 2.7.6 and, ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Advance Medical Imagine, Port St. Lucie (Petition VW 2006-020).

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

The Bureau of Elevator Safety 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.

The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it issued an Order Granting Variance Requests in response to a petition filed on November 21, 2005 and advertised in FAW Vol. 31, No. 49, by William O. Williams of Otis Elevator regarding Fidelity National Financial (VW 2005-166). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1,

2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on January 23, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 24, 2005 and advertised in FAW Vol. 31, No. 45 by Kenin Lynes of Otis Elevator regarding The Valencia in Old Hyde Park (VW 2005-154). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on January 23, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 24, 2005 and advertised in FAW Vol. 31, No. 45 by Kenin Lynes of Otis Elevator regarding Alta Vista Condominium Project (VW 2005-153). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 11, 2005 and advertised in FAW Vol. 31, No. 45 by Robert Gerdt of Otis Elevator regarding Marina South II at Cape Harbour (VW 2005-151). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine

room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it issued three Orders Granting Variance Requests in response to petitions filed on December 27, 2005 and advertised in FAW Vol. 32, No. 2 by Jennifer Livingston of Otis Elevator regarding One Singer Island – Group 1 through 3 (VW 2005-192, 191 and 190). The petitions sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on January 12, 2006, (as advertised in FAW Vol. 32, No. 5) by Jeanne Martin of Accessibility Lifts, Inc. regarding Windoor Incorporated Tract (VW 2006-006), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 3 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Variance Request in response to a petition filed on November 18, 2005, (as advertised in FAW Vol. 31, No. 49) by Jeanne Martin of Accessibility Lifts, Inc. regarding University of Tampa Baseball Stadium (VW 2006-006), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 24 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on January 12, 2006, (as advertised in FAW Vol. 32, No. 5) by Jeanne Martin of Accessibility Lifts, Inc. regarding Native Sun Natural Foods (VW 2006-005), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 12 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it Issued an Order Granting Variance Request in response to a petition filed October 13, 2005 and advertised in FAW Vol. 31, No. 49, by Steve Powell of KONE, Inc. regarding The Rivers IV, FL (VW 2005-155). The variance granted a waiver from Rules 2.1.3.1 and 2.7.6, of ASME A17.1, 2000 Edition and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on January 17, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from 2.7.2.1, A.S.M.E. 17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, prohibiting machinery and equipment not directly related to the elevator from the elevator machine room. The petition was received from Frank E. Scerbo of CH2M Hill on behalf of MOSI Walkway located in Tampa, Florida (Petition VW 2006-046).

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

The Bureau of Elevator Safety 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.

The Board of Accountancy hereby gives notice that it has received a petition, filed on February 7, 2006, by Keisha Hall, seeking a variance or waiver of Rule 61H1-28.0052, F.A.C., to allow for an additional sitting for the FAR section of the CPA examination.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE OF WITHDRAWAL – NOTICE IS HEREBY given that at the Board of Dentistry meeting on February 10, 2006, Laurence Jerrold, D.D.S., withdrew his Petition for Variance or Waiver of subsection 64B5-7.005(1), F.A.C., published in the January 20, 2006, issue of the Florida Administrative Weekly.

NOTICE OF WITHDRAWAL – NOTICE IS HEREBY given that on February 13, 2006, Alexis H. Spano, withdrew her Petition for Variance from Rule 64B21-500.05, F.A.C., published in the February 3, 2006, issue of the Florida Administrative Weekly.

NOTICE IS HEREBY GIVEN that on February 8, 2006 the Department of Health received a Petition for Variance from paragraph 64E-15.002(2)(b), F.A.C., from Ron Welcom, Petitioner, on behalf of Islanders Landing, Inc. That rule requires minimum lot size for a double wide mobile home of 3500 square feet with no less than 50 feet of width. Islanders' Landing is located in Lee County.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on February 15, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(14)(d), F.A.C., and Part II, A.2(b), of the Universal Instructions to Change Status from Non-Profit to For-Profit Entity, from HPT-Cypress Grove Associates, Ltd. (“Petition”). The Petition is seeking a variance from the rule which prohibits changing the status of an applicant designated as a non-profit entity for obtaining loan proceeds and throughout the development process.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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.

**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
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 16, 2006, 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

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; report 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 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 for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

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 procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.