

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, the Florida Public Service Commission, received a petition for a waiver from Rule 25-12.045, Florida Administrative Code, from the Florida Natural Gas Association in Docket No.: 090522-GU.

The rule provides that the following actions shall be taken for inactive gas service lines that have been used, but have become inactive without reuse:

- (a) If there is no prospect for reuse, the service line shall be retired and physically abandoned within three months;
- (b) After a service line has been inactive for a period of two years, if there is a prospect for reuse of the line, one of the following actions shall be taken within six months:
 1. Disconnect the service line from all sources of gas and abandon or remove;
 2. A valve on the service line shall be locked in the closed position and the service line plugged to prevent the flow of gas; or
 3. Remove the meter and plug the end of the service line to prevent the flow of gas;
- (c) After five years of inactivity, service lines shall be retired and physically abandoned within six months.

Subsections (2) and (3) of Rule 25-12.045, F.A.C., provide, respectively, details on the procedures for physical abandonment of a service line and the records of service lines stubs that must be maintained and readily available to personnel assigned to pipeline locating activities. Comments on the petition should be filed with: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or

at (<http://www.psc.state.fl.us/>). For additional information, please contact: Caroline Klancke, Office of the General Counsel, at the above address or telephone (850)413-6220.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 10, 2009, the South Florida Water Management District ("District"), received a petition for waiver from Palm Beach County Water Utility Department, Application No. 09-1210-2M, Permit (MOD) Number 11178 for utilization of Works or Lands of the District known as the Hillsboro Canal to allow the construction of an above-ground canal water pump station within the northerly right of way of the Hillsboro Canal located approximately 1000' west of SR 7 in conjunction with: Palm Beach County Water Utilities, Southwest Boca Diversion and Impoundment Project, Section 36, Township 47S, Range 41E, Palm Beach County. The petition seeks relief from paragraphs 40E-6.221(2)(a) and (j), Florida Administrative Code, which governs the present or future construction, alteration, operation or maintenance of the works or land of the District and the general and specific criteria in the Basis of Review.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on December 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Brenda J. Miller, Sarasota County East Wing Jail, Sarasota, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until January 31, 2010 (VW 2009-484).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby, Marion County Judicial Center Expansion, Ocala, FL, to not comply with Rule 2.14.1.4, ASME A17.1, 2004 (VW 2009-487).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has met its burden as the features required under the new rules have already been installed and a variance is no longer needed, as submitted by Stephen J. Murray, Ocean Royale Condo Assoc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-503).

A copy of the Order 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 November 6, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Sara M. Wayson, Franklin Exchange, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-561).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time and no means of meeting the intent of the code have been put forth, as submitted by Maggie M. Schultz, Esq., St. Petersburg Kennel Club and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-587).

NOTICE IS HEREBY GIVEN THAT on December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Richard Jones, Whispering Sands Condominium Association, Inc., Sarasota, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until December 1, 2012 (VW 2009-593 and 606). A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time and no means of meeting the intent of the code have been put forth, as submitted by Marco Lerra, Hickory Building and, as specified in Section 120.542, Florida Statute, titled Petition for Variances and Waivers (VW 2009-596).

NOTICE IS HEREBY GIVEN THAT on December 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Kathy Jacobs, The Capri o Singer Island Condo. Assoc., Inc., Singer Island, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 1, 2012 (VW 2009-604).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Tray Edmonds, Southeastern Elevator Consulting LLC, Lakeland, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-607).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Haley Alam, Episcopal-Catholic Apts., Winter Haven, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-615).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mona Adams, SK Fairgreen LLC, Orlando, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until November 1, 2011 (VW 2009-619 and 669).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Suzi Dixon, Rocky Point Centre, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW 2009-621).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Suzi Dixon, Westshore Center, Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until November 1, 2011 (VW 2009-622).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Ben Marshall, HCC – Learning Center Resource Center, Tampa, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-623).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time and no means of meeting the intent of the code have been put forth, as submitted by Joe Tawil, Tahitian Towers, Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-624).

NOTICE IS HEREBY GIVEN THAT on December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a

reasonable period of time and no means of meeting the intent of the code have been put forth, as submitted by Wayne Turk, Cove Harbor I Condo Assoc., Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-626).

NOTICE IS HEREBY GIVEN THAT on December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to John H. Murray, City Center, St. Petersburg, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW 2009-635 and 674).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Beverly Johnson, Bridgeton North Condominium, St. Petersburg, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2011 (VW 2009-637).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Jim Caldwell, Park Shore Tower Condominium Association, Naples, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2010 (VW 2009-647).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Celeste G. MacDonald of West Forsyth Financial Associates of Jacksonville to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until December 1, 2011 (VW 2009-667).

A copy of the Order 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 December 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety

has received an order. That order granted a variance to James Farrow, Beta Theta Pi Fraternity House, Gainesville, FL, to not comply with Rule 2.7.1, ASME A18.1, 2003 edition (VW 2009-707).

A copy of the Order 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 December 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from 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), F.A.C. The petitioner, Waldorf Condominium Association, Naples, FL, and location of the Serial Number 36766-67, requests the variance for an extension of time to complete repairs and for economic/ financial hardship. The petition was received from John Malloy, Manager (VW 2009-784).

A copy of the Order 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 December 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from 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), F.A.C. The petitioner, Peabody Orlando, Orlando, FL, and location of the Serial Number 38175, requests the variance for an extension of time to complete repairs and for economic/ financial hardship. The petition was received from Douglas Sarmiento, Director of Engineering (VW 2009-785).

A copy of the Order 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 December 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from 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), F.A.C. The petitioner, Orlando Sentinel, Orlando, FL, and location of the Serial Number 30975, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Danny Bower, Facility Manager (VW 2009-786).

A copy of the Order 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 December 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from various Sections of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. and Section 399.035, Florida Statutes. The petitioner, Gulfstream Towers Condominium, Sarasota, FL, and location of the Serial Number 5537-38, requests the variance for an extension of time to complete repairs and for economic/ financial hardship. The petition was received from Robert L. Todd, Esq. (VW 2009-787).

A copy of the Order 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 December 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for received a Petition for a Routine Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Chef George located in Davie, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business located within 50 feet.

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.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Clinton Hennency. The Notice of Petition for Variance was published in Vol. 35, No. 3, of the January 23, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 13, 2009, in Tampa, Florida.

The Board's Order, filed on December 7, 2009, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), F.A.C., thereby allowing Petitioner to pursue a limited general contractor's license, which would allow Petitioner to construct non-habitable communication structures /cell phone towers, including traditional steel towers, "stealth" communication structures (which are communication structures enclosed with facades to resemble trees, church steeples, and clock towers), and communications structures

that are placed on roof tops or are otherwise attached to habitable structures, and habitable accessory use structures not to exceed three stories in height.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on December 4, 2009, by Timothy P. Atkinson, Esq., on behalf of Scott B. Sontag, seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and to verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on July 29, 2009, by Donald Cole. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 33, of the August 21, 2009, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on September 18, 2009, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Board of Accountancy, received a petition for Laura Mckelvey, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria 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 within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on July 29, 2009, by Kee Tse. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 33, of the August 21, 2009, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on September 18, 2009, in Orlando, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on December 16, 2009, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on September 17, 2009, by Scott Wallace, P.E., representing South Florida Council BSA, regarding placement of treatment membranes and a UV disinfection unit inside the building. Petitioner sought a variance from subsection 64E-6.005(2), Florida Administrative Code, which requires that systems shall not be located under buildings or within 5 feet of building foundations. Notice of the petition was published in the October 2, 2009, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED Petitioner's request for a variance.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN THAT on December 16, 2009, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on September 17, 2009, by Scott Wallace, P.E., representing South Florida Council BSA, regarding the "GE Zenon Membrane Bioreactor". Petitioner sought a variance from paragraph 64E-6.0151(2)(c), Florida Administrative Code, which requires that test results from a State or EPA-certified laboratory demonstrating that use of the additive, drainfield conditioner or restorative product will not result in violations of surface water or groundwater standards in Rule 64E-6.0151, F.A.C. Notice of the petition was published in the October 2, 2009, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on December 14, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(4), Florida Administrative Code, from Manatee Children's Services and Tasha Pinkley, assigned Case No.: 09-040W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct child care staff shall have a bachelor's degree in social work, or related area of study from a college or university and at least 2 years of experience in working with children or 2 years of college and 4 years of experience working with children.

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

NOTICE IS HEREBY GIVEN THAT on December 14, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Rubby Salguero, assigned Case No.: 09-035W. Subsection 65C-15.017(2), F.A.C., require agency staff responsible for supervision shall have a master's or bachelor's degree in social work or a related area of study from accredited college or university.

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 12, 2010, 1:00 p.m.

PLACE: Clinic Conference Room, Brevard Children's Medical Services, 2566 Judge Fran Jamieson Way, Viera, FL 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for this facility will meet to review and evaluate the proposed designs submitted by their selected artists.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, Division of Cultural Affairs, 500 S. Bronough St., Tallahassee, FL 32399-0250, (850)245-6476.