

(9) If a Draw Host/Hostess incorrectly announces the number of a ball that has been trapped in the display position, the Draw Manager shall immediately correct the Draw Host/Hostess by announcing the correct number.

(10) Upon certification by the Draw Manager and the Accountant, the numbers shown on the balls will be announced as the official winning numbers for the drawing.

(11) If an incorrect Xtra® number is revealed during the FLORIDA LOTTO™ draw, the Florida Lottery will pay prizes based on the higher of the Xtra number revealed and the actual Xtra number drawn.

(12) In the event a problem occurs that is not contemplated under this rule, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

Rulemaking Authority 24.105(9)(d), 24.109(1) FS. Law Implemented 24.105(9)(d), 24.108(6) FS. History—New 3-1-10.

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: March 1, 2010

**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."

**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."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on February 26, 2010, 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 Rich

Trendel, 300 W. Adams Bldg., Jacksonville, FL, to not comply with Rule 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2010 (VW 2010-035).

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 February 26, 2010, 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 LKC Property Management, Shorehouse Condominium, Bay Pines, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2010-050).

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 February 8, 2010, 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 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Plantation Club Villas of Stuart, and location of the Serial Number 40426, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James R. Dunne (VW 2010-071).

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 February 8, 2010, 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, Stevens Landing of Marco Island, and location of the Serial Numbers 39000, 41134 and 41559, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tom Boyce (VW 2010-072).

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 February 8, 2010, 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, Best Western Orlando Gateway, Orlando, FL, and location of the Serial Number 35530, 35540-41 and 36826, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bill Jones (VW 2010-073).

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 February 8, 2010, 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, Wittner Centre Partners, St. Petersburg, FL, and location of the Serial Number 26778 and 26560, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Pamela LeCompte (VW 2010-074).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.1, Section 2.20.1, 2.20.9 and 2.24.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Holiday Inn, Pensacola Beach, FL, requests the variance to allow the installation of three Otis Gen2™ elevator systems at the above project. The petition was received from Patricia J. Serley (VW 2010-075).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.15.9.2 and 2.4.1.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 2314 Medical Office Bldg., Boynton Beach, FL, requests the variance for the installation or a retractable toe guard. The petition was received from Edward Garcia (VW 2010-076).

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 February 9, 2010, 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, SOHO Investments LLC, Tampa, FL, and location of the Serial Number 35082, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William P. Curtis (VW 2010-077).

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 February 9, 2010, 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, The River Club Condo of South Daytona, and location of the Serial Number 32676, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Ramara Garrett (VW 2010-078).

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 February 10, 2010, 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, 3.10.4(u) and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Beach Club Condo, Daytona Beach Shores, FL, and location of the Serial Number 22188-89, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rugby, Agent (VW 2010-079).

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 February 10, 2010, 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 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ascension Inn Beach Resort Condo Assoc., Inc., Daytona Beach Shores, FL, and location of the Serial Number 11193, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sherry K. Clifton (VW 2010-080).

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 February 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section 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. The petitioner, Ketch Courtyard Assoc., Fernandina Beach, FL, and location of the Serial Number 34299, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lisa King (VW 2010-081).

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 February 11, 2010, 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, Whispering Sands, Sarasota, FL, and location of the Serial Number 20049-52, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Richard Jones (VW 2010-082).

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 February 11, 2010, 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 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bonita Resort & Club, Bonita Springs, FL, and location of the Serial Number 31058,

requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jean Sargent (VW 2010-083).

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 February 12, 2010, 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 3.11.1(a)(2) and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pattison Bldg., Venice, FL, and location of the Serial Number 26693, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Mary Jo Pattison (VW 2010-084).

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 February 12, 2010, 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, Northbridge Center, West Palm Beach, FL, and location of the Serial Number 34058-63, 34213-15 and 36487-88, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bertie L. Russo (VW 2010-085).

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 February 12, 2010, 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, Bank of America Tower, Tampa, FL, and location of the Serial Number 36693-36710 and 37387, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tray Edmonds, agent (VW 2010-086).

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 February 12, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.1, Section 2.20.1, 2.20.9 and 2.24.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, UWF Heritage Hall, Pensacola, FL, requests the variance to allow the installation of two Otis Gen2™ elevator systems at the above project. The petition was received from Patricia J. Serley (VW 2010-087).

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 February 15, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section 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. The petitioner, Shoreline Island Resort, Madeira Beach, FL, and location of the Serial Number 23991, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Kay Yocum (VW 2010-088).

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 February 15, 2010, 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 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., and Section 399.15, F.S. The petitioner, Oceans Seven Condo Assoc., Inc., Daytona Beach Shores, FL, and location of the Serial Number 22704-05, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Karen Wright (VW 2010-089).

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 February 15, 2010, 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 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, River's II Condo Assoc., Cape Coral, FL, and location of the Serial Number 41091, requests the

variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Paola Zunino (VW 2010-090).

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 February 17, 2010, 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, Oxford Building, St. Petersburg, FL, and location of the Serial Number 31953, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lawrence Schiller (VW 2010-091).

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 February 11, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance petition on February 2, 2010 for subsections 61C-4.010(6), (7), F.A.C., from Black Fig, Tallahassee, 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 in the same mall within 300 feet for customer use only.

The variance petition was published in Vol. 36, No. 8 in February 26, 2010, and approval is contingent upon the Petitioner ensuring the bathrooms located within Loli and the Bean Shop are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Loli and the Bean Shop changes, an updated signed agreement for use of the bathroom facilities is required immediately.

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

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NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on January 12, 2010 for subparagraph 61C-1.002(5)(a)2., F.A.C., from Brat Cart 1, Jacksonville, FL. The above referenced F.A.C. addresses the requirements that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The variance request was published in Vol. 36, No. 4, January 29, 2010, and approval is contingent upon the petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Baseball Grounds of Jacksonville, 301 Randolph Blvd., Jacksonville, FL.

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

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NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on January 12, 2010 for subparagraph 61C-1.002(5)(a)2., F.A.C., from Brat Cart 2, Jacksonville, FL. The above referenced F.A.C. addresses the requirements that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The variance request was published in Vol. 36, No. 4, January 29, 2010, and approval is contingent upon the petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Baseball Grounds of Jacksonville, 301 Randolph Blvd., Jacksonville, FL.

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

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NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a Petition for a Routine Variance on February 15, 2010 for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), F.A.C., and Section 6-402.11, 2001 FDA Food Code from Christopher Pier II, Fernandina Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by

customers and employees. They are requesting to utilize the public bathrooms located on a different level within the establishment for use by both customers and employees.

The petition will be published in Vol. 36, No. 9, March 5, 2010, and approval is contingent upon the Petitioner ensuring the public bathrooms located on the different level within the establishment are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, employee hand washing signage and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within the establishment clearly stating the location of the bathrooms.

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

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NOTICE IS HEREBY GIVEN THAT on February 22, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance request on February 12, 2010 for Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), F.A.C., and Paragraph 5-202.11(A), 2001 FDA Food Code from Frozeberry, Orlando, FL. The above referenced F.A.C. addresses the requirement that each establishment discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize holding tanks to provide potable water and to collect waste water.

The variance request was published in Vol. 36, No. 8, February 26, 2010, and approval is contingent upon the Petitioner ensuring the waste water holding tanks for the three-compartment sink and hand wash sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. Must also ensure that the three-compartment sink and hand wash sink are provided with hot and cold running water under pressure.

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

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NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance request on January 20, 2010 for subsection 61C-1.004(1), F.A.C. and Section 5-203.13, 2001 FDA Food Code, Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(1)(d),

F.A.C., and Paragraph 5-202.11(A), 2001 FDA Food Code from Gelato & Such, Orlando, FL. The above referenced F.A.C. addresses the requirements that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water; that each establishment discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize a mopsink located within another licensed establishment under the same ownership and utilize holding tanks to provide potable water and collect waste water.

The initial request was published in Vol. 36, No. 6, February 12, 2010, and approval is contingent upon the petitioner ensuring the wastewater holding tanks for the three-compartment sink and hand sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The petitioner shall also ensure that the mop sink located within Wilfredo's Italian Ristorante (SEA5803406) is maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. If the owner of either Wilfredo's Italian Ristorante or Gelato & Such changes, the Division must be notified immediately as the conditions in this variance will need to be re-evaluated and a written agreement for the sharing of equipment must be provided immediately.

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

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NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance on January 15, 2010 for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), F.A.C., and Section 6-402.11, 2001 FDA Food Code from IHOP, Daytona Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathroom facilities with an adjoining establishment located within the same structure.

The initial variance request was published in Vol. 36, No. 5, February 5, 2010 and approval is contingent upon the public bathrooms located in the convenience store being maintained in a clean and sanitary manner and provided with hot and cold running water under pressure, soap, approved hand drying devices, employee hand washing signage and are available during all hours of operation. Also directional signage must be installed within and outside the establishment clearly stating

the location of the bathrooms. If the ownership of the convenience store changes, a new written agreement must be provided to the division immediately.

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

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NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance request on February 15, 2010 for subsections 61C-4.010(6), (7), F.A.C., from Moscato's, St. Petersburg, 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 for customer use only.

The variance request will be published in Vol. 36, No. 9, March 5, 2010, and approval is contingent upon the Petitioner ensuring the public bathrooms located in the TriBenefit Services Group office are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved drying devices and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within and outside the establishment clearly stating the location of the bathrooms. If the ownership of TriBenefit Services Group changes, a new written agreement must be provided to the division immediately.

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

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NOTICE IS HEREBY GIVEN THAT on February 11, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance request on February 3, 2010 for Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), F.A.C., and Paragraph 5-202.11(A), 2001 FDA Food Code from Amway Center (Sky and Ozone Bar), Orlando, FL. The above referenced F.A.C. addresses the requirement to discharge water or wastewater into an approved plumbing system installed according to law. They are requesting to install potable and waste water holding tanks at the hand wash sinks in two portable bars.

The request was published in Vol. 36, No. 7, February 19, 2010, and approval is contingent upon the Petitioner ensuring the waste water holding tanks for the sinks are emptied at a

frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure these hands sinks are provided with hot and cold running water under pressure, soap, employee hand washing signage and approved hand drying devices.

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

NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance petition on February 18, 2010 for subparagraph 61C-1.002(5)(a)2., F.A.C., from Roger Dean Stadium-Hot Dog #1, Jupiter, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be self-propelled or otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The petition will be published in Vol. 36, No. 9, March 5, 2010, and approval is contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Roger Dean Stadium, 4751 Main Street, Jupiter, FL.

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

NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance request for subparagraph 61C-1.002(5)(a)2., F.A.C., from Roger Dean Stadium-Island Grill, Jupiter, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be self-propelled or otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The variance request will be published in Vol. 36, No. 9, March 5, 2010, and approval is contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Roger Dean Stadium, 4751 Main Street, Jupiter, FL.

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

NOTICE IS HEREBY GIVEN THAT on February 22, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), F.A.C., from Wow Pizza, Tampa, 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 for customer use only.

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.

**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."

NOTICE IS HEREBY GIVEN THAT on March 2, 2010, the Department of Environmental Protection has issued an order.

The Department has granted a variance to Hillsborough County from the provisions of Rule 62-711.530, F.A.C. This variance will allow the county to accumulate additional waste tires at the Southeast Landfill prior to using the tires in various projects at the landfill.

A copy of the Order may be obtained by contacting: Richard Tedder, Department of Environmental Protection, Solid Waste Section, MS #4565, 2400 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8735, email: richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 23, 2010, the Department of Environmental Protection, received a petition for variance from Mosaic Fertilizer, LLC, requesting a variance from rule provisions addressing slope, zone of fluctuation, greenbelt around water bodies,% cover, use of all indigenous species, and the reclamation schedule under the Mandatory Phosphate Mine Reclamation Rule, Chapter 62C-16, F.A.C. Mosaic seeks this variance to reclaim upland portions of the Payne Creek Mine in Polk County, Florida to their highest and most beneficial use as a golf course and associated infrastructure. The upland portions to be reclaimed are currently subject to the conditions of the Department-issued Conceptual Reclamation Plan, MOS-PC-CP(G). The Petition requested a variance from

paragraphs 62C-16.0051(2)(a), (6)(a), (6)(c), (10)(b), (10)(e), and (12)(2)(b), F.A.C. The Petition has been assigned File No.: OGC #10-0922.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Orlando Rivera, Department of Environmental Protection, 113 Collins Building, 2051 East Dirac Drive, Tallahassee, Florida 32310, (850)488-8217. Written comments must be received no later than 14 days from date of publication of this notice.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on February 5, 2010, the Florida Department of Health, Division of Medical Quality Assurance, received a petition for Variance or Waiver from Laura Hernandez, D.D.S., 9301 S. W. 92nd Avenue, Apartment B-314, Miami, Florida 33176. Pursuant to Section 120.542, F.S., petitioner is seeking waiver from subsection 64B5-2.013(1)(i), F.A.C., as to the three attempts to take the clinical examination as well as the additional educational requirements as specified by the Board.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bridget Coates, Government Operations Consultant, Department of Health, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-1703.

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NOTICE IS HEREBY GIVEN THAT on March 2, 2010, the Board of Medicine, received a petition for waiver or variance filed by Jean Desse, M.D., from subsections 64B8-4.009(4) and (5), F.A.C., with regard to the requirement for submission of medical school transcripts, translation of transcripts, and documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on March 1, 2010, the Board of Medicine, received a petition for waiver or variance filed by Mirela Galatanu, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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The Board of Osteopathic Medicine hereby gives notice that the petition filed by John J. Urban, Esq. on behalf of Brian R. Kirkland, D.O., on February 2, 2010, seeking a variance or waiver from Rule 64B15-13.001, F.A.C., has been withdrawn. The Notice of Petition was published in Vol. 36, No. 6 of the February 12, 2010, issue of the Florida Administrative Weekly. The person to be contacted regarding this petition is: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-5256.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Department of Health, received a petition for an Emergency Temporary Variance or Waiver from subparagraph 64E-13.004(6)(a)1., F.A.C., from Bay Haven Charter Academy, 2501 Hawks Landing Boulevard, Lynn Haven, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Common toilet facilities for both sexes shall not be allowed above the third grade. Comments on this petition should be filed: 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 this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2010, the Department of Health, received a petition for an Emergency Variance from paragraph 64E-13.004(6)(a), F.A.C., from Capstone Academy, 5308 Stewart St., Milton, Florida. This rule requires schools that have group toilet rooms, to have a partition placed between each water closet and each compartment to have a door.

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 this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on February 18, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Youth and Family Alternatives, Inc. and Jamie Butler, assigned Case No. 10-014W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a bachelor’s or master’s degree in social work or related area of study from an 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.

NOTICE IS HEREBY GIVEN THAT on February 26, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Windalon Necole Marshall, assigned Case No. 10-015W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible performing casework services shall have a bachelor’s or master’s degree in social work or a related area of study from an 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.

NOTICE IS HEREBY GIVEN THAT on February 16, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Family Preservation Services of Florida, Inc. and Christopher Gibala. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a bachelor’s or master’s degree in social work or a related area of study from an 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.

NOTICE IS HEREBY GIVEN THAT on March 2, 2010, the Department of Children and Families, received a petition for waiver of Rule 65C-13.030, F.A.C., from Children’s Home Society of Florida and David and Katherine McPherson. Rule 65C-13.030, F.A.C., states there should be no more than five children in a licensed home, including the family’s own 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.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on February 26, 2010, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: 350 NW, LLC.

DATE PETITION WAS FILED: December 22, 2009.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0010(3)(b), F.A.C.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, January 8, 2010, Vol. 36, No. 1.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: February 26, 2010.

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

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

NOTICE IS HEREBY GIVEN THAT on March 1, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from subsection 67-48.004(1), F.A.C., from Villa Aurora, LLLP. The petition is seeking a waiver of the requirement that, for applicants selecting and qualifying for the Homeless Demographic, a Case Manager be provided “for every 25 residents”, and instead requests that a Case Manager be required for every 25 Homeless or formerly Homeless resident families. Also, a waiver from the provisions of the Land Use Restriction Agreement and the Extended Use Agreement, both of which require a Case Manager be provided “for every 25 residents”, and instead request such requirement be amended in both the LURA and the EUA to provide for a Case Manager for every 25 Homeless or formerly Homeless resident families.

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: www.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.

NOTICE IS HEREBY GIVEN THAT on February 26, 2010, the Florida Housing Finance Corporation has issued an order. NAME OF THE PETITIONER: Village Allapattah Phase II, LLC.

DATE PETITION WAS FILED: January 13, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Part III.D.1.f. of the 2006 Rental Recovery Loan Program Instructions.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 4, 2009, Vol. 36, No. 3.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: February 26, 2010.

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

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

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on December 16, 2009, the Department of Financial Services, Division of State Fire Marshal, received a petition for permanent waiver of Rule 69A-60.004, F.A.C. Petitioner is seeking a permanent waiver of that portion of the rule mandating the installation of fire alarm systems at Brookwood Club located at 1385 Brookwood Forest Blvd., Jacksonville, Duval County, Florida, stating substantial hardship or unfairness.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing: Lesley.Mendelson@myfloridacfo.com.

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

**DEPARTMENT OF STATE**

The **Division of Historical Resources**, Bureau of Historic Preservation announces a public meeting to which all persons are invited.

DATES AND TIME: March 22-23, 2010, 9:00 a.m.

PLACE: Acquisition and Development Panel will meet in Heritage Hall Auditorium, First Floor, and the Protection and Education Panel will meet, Room 307, Third Floor, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and ranking of 2011 Historic Preservation Small Matching Grant applications by grant panels appointed by the Secretary of State.

A copy of the agenda may be obtained by contacting: Grants Staff at email: bhprgrants@flheritage.com or by calling (850)245-6333, or 1(800)847-7278 (Toll-free).

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 24 hours before the workshop/meeting by contacting: Lynnsey Weissenberger by email: lkweissenberger@dos.state.fl.us or by calling (850)245-6333 or 1(800)847-7278 (Toll-free). 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: Grants Staff at email: bhprgrants@flheritage.com or by calling (850)245-6333 or 1(800)847-7278 (Toll-free).

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 25, 2010, 6:00 p.m. – conclusion

PLACE: Mission San Luis Conference Room, 2100 W. Tennessee Street, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Mission San Luis Board of Directors will meet to discuss new rental use guidelines, BOD term expiration dates, FY 08-09 audit, fundraising activities, and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666.

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 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)487-1666. If you are hearing