

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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on April 15, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-069-DAO-ROW was issued to AT&T Florida (Application No. 09-1217-2). The petition for waiver was received by the SFWMD on February 8, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 7, on February 19, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow for the installation of a temporary aerial crossing with poles located west of State Road 7 Bridge crossing the C-51 Canal while Palm Beach County is widening the bridge; Section 1, 36, Township 43, 44 South, Range 41, 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within forty feet of the top of the canal bank and within the District's equipment staging areas located 100 feet upstream or downstream of pile-supported crossings within works or land 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 District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 16, 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 Melinda Patnoi on behalf of Bay Tree Club Association in Sarasota. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires Fire Fighter Service Phase I and Phase II. Petitioner states that they have contracted for the work but needs more time to receive the equipment and complete the work. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Joel Sainer on behalf of Belmont Park Apartments, Inc. from paragraph 61C-5.001(1)(a), F.A.C., which requires two-way communication from outside the hoistway into the elevator car. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code. Petitioner states that due to continued economic hardships he cannot afford to install the communication devices as planned until July 1, 2013. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from J.D. Patel on behalf of Best Western Altamonte Springs, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2 & 3.10.4(e) as adopted by Chapter 30, Section 3001.2

Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires door restriction, a 21" toe guard and a cartop stop switch. Petitioner states that additional time is needed to add these features as they need to raise funds, contract for the work and complete the upgrades. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 7, 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 Rachael Carpenter on behalf of Boca Raton Community Hospital, Boca Raton, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.13.5, 2.12.6 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a) and Rule 61C-5.0051, Florida Administrative Code, which require nudging on Fire Fighter Service, hoistway door numbering, and keyed stop switches in the cars. Petitioner states that there is insufficient funding this fiscal year to complete these upgrades and they wish to do the work as soon as the new fiscal year arrives. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Tarun Patel on behalf of Clarion Hotel, Fort Myers, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires Fire Fighter Service Phase I and Phase II. Petitioner states that additional time is needed to complete this major upgrade to the elevators as they will trigger other requirements. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Tarun Patel on behalf of Days Inn Hotel, Fort Myers, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires Fire Fighter Service Phase I and Phase II. Petitioner states that this existing condition will require an extensive remodelling of the elevator as other requirements will be triggered by this upgrade and they need additional time to raise the funds and complete the work. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 15, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance on April 5, 2010 for Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1) and paragraph 61C-1.004(1)(d), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Healthy Delights, Coral Springs, 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 will post in Vol. 36, No. 16 on 4/23/10, 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. The Petitioner shall 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.

NOTICE IS HEREBY GIVEN THAT on April 16, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received an Emergency Variance on April 7, 2010, for Subparagraph 3-304.11, FDA Food Code, 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Subparagraph 4-301.12(A), 2001 FDA Food Code, Subparagraph 4-602.11(A)(5), 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (5), (6) and 61C-4.161(1), Florida Administrative Code, from Joy Wallace Catering, Miami, FL. The above referenced F.A.C. addresses the requirement for proper handling, protection and dispensing of food and sanitization of food contact surfaces. They are requesting to dispense potentially hazardous foods from a smoker unit mounted on an open air trailer.

The initial request will post in Vol. 36, No. 17 on 4/30/10 and concludes that the Petitioner's request for variance fails to meet the burden of demonstrating public health safeguards. The following are some of the public health reasons regarding the need to provide adequate warewashing facilities and food protection/enclosure structure (found in the Public Health Reasons/Administrative Guidelines of the 2001 FDA Food Code Annex 3):

Pathogens can be transferred to food from utensils that have been stored on surfaces which have not been cleaned and sanitized. Some pathogenic microorganisms survive outside the body for considerable periods of time. Food that comes into contact directly or indirectly with surfaces that are not clean and sanitized is liable to such contamination. The handles of utensils, even if manipulated with gloved hands, are particularly susceptible to contamination. Pathogens can also contaminate and/or grow in food that is not stored properly.

Food-contact surfaces and equipment used for potentially hazardous foods should be cleaned as needed throughout the day but must be cleaned no less than every 4 hours to prevent the growth of microorganisms on those surfaces.

The three-compartment sink requirement allows for proper execution of the 3-step manual warewashing procedure. If properly used, the three compartments reduce the chance of contaminating the sanitizing water and therefore diluting the strength and efficacy of the chemical sanitizer that may be used.

Sources of environmental contamination may include...air from an uncontrolled atmosphere such as may be encountered when preparing food in a building that is not constructed according to Food Code requirements.

Insects and rodents are vectors of disease-causing microorganisms which may be transmitted to humans by contamination of food and food-contact surfaces. The presence of insects and rodents is minimized by protecting outer openings to the food establishment.

Walls and roofs provide a barrier to protect the interior and foods from the weather, windblown dirt and debris, and flying insects.

There is a reasonable alternative to the requested variance. The petitioner owns and operates a licensed Mobile Food Dispensing Vehicle which if operated in conjunction with a screened, closed-system smoker unit would be in compliance with the above requirements. The petitioner has chosen not to pursue this alternative.

The hardship has been deliberately caused by the petitioner's decision to not use the reasonable alternative of utilizing the currently licensed Mobile Food Dispensing Vehicle in conjunction with the smoker unit.

Therefore the Division concludes that this variance submission meets none of the statutory criteria for granting a variance.

Granting this variance in its current format would create an undesirable precedent upon which all types of mobile food dispensing units could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by the Division. Based on the foregoing, the Division concludes that the Petitioner's request for variance fails to meet the burden of demonstration that required safety and sanitation safeguards have otherwise been met.

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 April 7, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-304.11, FDA Food Code, 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Subparagraph 4-301.12(A), 2001 FDA Food Code, Subparagraph 4-602.11(A)(5), 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (5), (6) and 61C-4.161(1), Florida Administrative Code, from Joy Wallace Catering, Miami, FL. The above referenced F.A.C. addresses the requirement for proper handling, protection and dispensing of food and sanitization of food contact surfaces. They are requesting to dispense potentially hazardous foods from a smoker unit mounted on an open air trailer.

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

NOTICE IS HEREBY GIVEN THAT on April 12, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Kissimmee Kitchen Share, Kissimmee, 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 licensed public food service establishment.

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

NOTICE IS HEREBY GIVEN THAT on April 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Leon Express, Orlando, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Carroll Crawford on behalf of Poincianna Place Condos, Loxahatchee, FL. Petitioner seeks a temporary variance of the requirements of ASME A17.3, 1996 edition, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires door restriction when the car is more than 3" from the landing zone. Petitioner states that the cars have straight arm restriction that does not comply with the code but provides the protection the code is intended to provide. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: A copy of the Petition 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 April 15, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a petition for an Emergency Variance on April 7, 2010 for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection 61C-4.010(1), and (6), Florida Administrative Code, from Ready Food, Orlando, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The variance request will be posted in Vol. 36, No. 16 on 4/23/10 and approval is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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 April 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an Emergency Variance from Debra Shade on behalf of Neighborly Care Network, License Number 97176, in Clearwater, FL. The Petition seeks a variance from subsection 61C-5.009(1), Florida Administrative Code, which requires all elevator hoistways be vented to the outer air. Petitioner states that the building was planned and built without venting in accordance to the exceptions allowed in Chapter 3004.1 of the Florida Building Code. Petitioner is awaiting the CO of the building so they can move in which is why they are requesting an emergency variance. Any interested

person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 19, 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 Jon T. Randle on behalf of USF Marine Science Bldg., St. Petersburg, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Sections 3.11.1, 3.11.1(a)(1) and (a)(2), 3.4.5, 3.10.5 and 2.2.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which require top of car operator devices, in-car alarm and two-way communication devices, emergency lights in the car, mainline disconnecting means, and access to the machine room. Petitioner states that this 1940 vintage elevator will be taken out of service as soon as new elevator can be installed so spending the considerable funds necessary to make these repairs would be lost. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Lee Rigby on behalf of USF Patel Building, Tampa, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires a sump pump in the pits of elevators in buildings with sprinklers. Petitioner states that this building was designed and built prior to the determination by the Bureau that the exemption for sump pumps does not apply to sprinklered buildings. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN THAT on April 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received

a petition for an emergency variance of the requirements of ASME A17.3, Section 3.11.3, which requires Fire Fighter Service, Phase I and Phase II, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, from 500 WS Owner LLC on behalf of Westshore 500 Building. Petitioner states that they are modernizing the elevators and require time to complete the extensive work and they are currently delinquent and face administrative action if they cannot pass an inspection. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

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

The Department received an Emergency Variance on April 1, 2010 for paragraphs 61C-1.004(2)(a), 61C-4.010(7)(c), Florida Administrative Code, from Yogurtland located in Hallandale. 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 public bathrooms located on the same level over 300 feet away for customers only.

The variance request was published in Vol. 36, No. 15 on 4/16/10, and approval is contingent upon the Petitioner ensuring the public bathrooms located in The Village At Gulfstream Park are maintained in a clean and sanitary manner and are provided cold running water under pressure, soap, approved hand 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 circumstances governing access to the public bathrooms change, this variance approval will be revisited.

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 March 24, 2010, the Electrical Contractors' Licensing Board, received a petition for Robert Matos, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

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 April 14, 2010, the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems has issued an order.

A petition was filed on October 29, 2009, by Archibald and Martha Thomas, William and Debra Herron, and Laura Lundberg (Neary), requesting a renewal of a variance from subsections 62B-33.002(18), (19) and Rule 62B-33.0051, F.A.C. A variance was previously granted October 31, 2008, #SJ-1031 AR V, but expired. The properties are located at 3550, 3560 and 3570 Coastal Highway, Vilano Bch., in St. Johns County, FL. Notice of receipt of this petition was published in the Florida Administrative Weekly on November 13, 2009. On November 17, 2009, an amended renewal of petition for variance was received requesting a permanent variance from subsections 62B-33.002(18) and (19), F.A.C., which defines "eligible structures" and "emergency protection", respectively, and from Rule 62B-33.0051, F.A.C., which provides general armoring criteria. No public comment was received. The Order, #SJ-1031 AR V2, grants a variance from subsection 62B-33.002(18) and subparagraph 62B-33.0051(1)(a)1., F.A.C., only, and for a one year time period. No variance is granted for remaining sections in Rule 62B-33.002 or 62B-33.0051, F.A.C. The variance is granted based upon the Petitioner's demonstration that a strict application of the rule would result in substantial hardship to the Petitioner and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, (850)488-7815 or e-mail: rosaline.beckham@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 13, 2010, the Board of Dentistry, received a petition for variance or waiver of subsection 64B5-2.021(1), F.A.C., filed by Ivette Contreras, D.D.S. Petitioner requests that the Board of Dentistry grant a

waiver or variance of the requirements set forth in subsection 64B5-2.021(1), F.A.C., and allow Petitioner to sit for re-examination of the restorative part of the examination only.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on April 15, 2010, the Board of Physical Therapy Practice, received a petition for Lucelly Vargas, seeking a waiver of the requirements of paragraph 64B17-3.001(4)(j), Florida Administrative Code. The Petitioner seeks a waiver, due to hardship, of the requirement that an applicant who did not receive his or her education in English, must obtain a minimum score on the TOEFL exam.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)488-0595. Comments on this petition should be filed with the Board of Physical Therapy Practice/MQA within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 19, 2010, the Board of Psychology, received a petition for waiver or variance filed by Rosemarie Johnson, from Rule 64B19-11.005, F.A.C., with regard to the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with the rule. Comments on this petition should be filed with: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address, or telephone (850)245-4373.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on March 23, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(1), Florida Administrative Code, from Trevor Nelson, assigned Case No.: 10-024W. Subsection 65C-14.055(1), F.A.C. requires the Executive Director who is responsible for the general management and administration of the agency is required to have a bachelor's degree in social work or a related area of study from an accredited college or university and three years of experience in management supervision.

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 April 8, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(1), Florida Administrative Code, from St. Johns County Board of County Commissioners and Venerria Thomas, assigned Case No.: 10-026W. Subsection 65C-15.017(1), F.A.C., requires the Director shall have a master's degree in social work or a related area of study from an accredited college or university and at least two years experience in human services or child welfare programs.

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 April 8, 2010, the Department of Children and Families, received a petition for waiver of Rule 65C-13.030, F.A.C., from Latausa Freeman assigned Case No.: 10-027W. 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.

NOTICE IS HEREBY GIVEN THAT on March 25, 2010, the Agency for Persons with Disabilities, received a petition for Waiver of Bedroom Size from Petitioner, Quality 1st Care Group Home, Inc., Jenamay Garland. This is Petition for Waiver of subparagraph 65G-2.012(8)(c)2., F.A.C., for an APD Individual to reside on his own.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Percy W. "Pet" Mallison, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

DATE AND TIME: Monday, May 10, 2010, 11:00 a.m. – conclusion

PLACE: Mission San Luis Conference Room, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee will meet to discuss summer events, Board Terms, and fiscal year budgets.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

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 or jbshiver@dos.state.fl.us. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

The **Division of Library and Information Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, May 10, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: An orientation session for new Library Services and Technology Act Advisory Council members.

A copy of the agenda may be obtained by contacting: Dolly Frank, Library Program Specialist at (850)245-6631 or e-mail: dafrank@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dolly Frank, Library Program Specialist at (850)245-6631 or e-mail: dafrank@dos.state.fl.us. 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: Dolly Frank, Library Program Specialist at (850)245.6631 or e-mail: dafrank@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.