

## Section IV Emergency Rules

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Citadel I & II Ltd Partnership, filed February 8, 2012, and advertised in Vol. 38, No. 8 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the new rules will not be installed within a reasonable time period, no means of meeting the intent of the code have been put forth, Petitioner plans to upgrade within the next five years and no explanation of why a permanent variance is needed was provided (VW 2012-043).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Department issued a Final Order that was in response to a Petition for Variance from 1900/2000 N.W. Corporation, filed February, and advertised in Vol. 38, No. 8 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings because the features required under the new rules will not be installed within a reasonable time period and no means of meeting the intent of the code have been put forth (VW 2012-044).

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A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Rock Springs Elementary School, filed February 2, 2012, and advertised in Vol. 38, No. 8 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 2.18.5.1, 2.20.4 and 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires 9.5 mm steel ropes and a metallic sheave because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-035).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Sunset Royale, filed April 9, 2012, and advertised in Vol. 38, No. 16 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a safety bulkhead until December 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-111).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee World Center, filed February 13, 2012, and advertised in Vol. 38, No. 8 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the

Petitioner a variance from Rules 3.10.3 and 3.9.1 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires top-of-car operating and normal terminal stopping devices until May 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-046).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 1, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Grand Villas Check-In Building, filed February 13, 2012, and advertised in Vol. 38, No. 8 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 2.18.5.1 and 2.20.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-048).

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 May 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hotel Jacaranda. Petitioner seeks an emergency 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, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-141).

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

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NOTICE IS HEREBY GIVEN that on May 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Best Western Altamonte Springs. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.10.4(e), 3.3.2 and 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, that requires top-of-car stop switch, platform guards and door restrictors which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-140).

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

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NOTICE IS HEREBY GIVEN that on May 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 601 Professional Building. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-142).

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

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NOTICE IS HEREBY GIVEN that on May 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for JEA Northside Generating Station (Power Park). Petitioner seeks an emergency variance of the requirements of 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), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-143).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on May 3, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Holiday Inn Maingate East, filed December 1, 2011, and advertised in Vol. 37, No. 50 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 30, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-395). A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on May 4, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Pilar's located in Winter Garden, 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 bathrooms located on a different level.

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

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 Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on February 15, 2012, by Louis Joseph Romano, Jr. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 11 of the March 16, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61J1-8.003(1), F.A.C., to include his disciplinary violation be deemed as a minor violation, pursuant to the Final Order issued by the Florida Real Estate Appraisal Board on March 22, 2007. The Board considered the instant Petition at a duly-noticed public meeting held on April 3, 2012, in Orlando, Florida.

The Board's Order, filed on April 30, 2012, granted the petition finding that Petitioner established that the purpose of the statute would be met as required by Section 455.225(3), Florida Statutes, in that the Petitioner's violation did not demonstrate a serious inability to practice the profession, did not result in economic or physical harm to a person, and did not adversely affect the health, safety and welfare of the public. The Board further found that Petitioner established that the Board's full application of subsection 61J1-8.003(1), F.A.C., to his circumstances would violate principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on April 19, 2012, the Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from the requirements of subsection 62-610.521(6), Florida Administrative Code (F.A.C.). The petitioner Talquin Electric Cooperative, Inc., Post Office Box 1679, Quincy, Florida 32353 seeks relief from the Part IV, rapid-rate land application systems, setback distance requirement of 100 feet from the edge of their Lake Jackson WWTP southern most rapid infiltration basin (RIB) to the site property line required by subsection 62-610.521(6), F.A.C. A survey of the site has identified that the closest distance from the property line to the edge of the RIB is measured at 70 feet. The petitioner is requesting a permanent variance to reduce the setback from 100 feet to a minimum of 70 feet. Talquin Electric Cooperative (TEC) has traced the current setback distance to the original construction plans developed by Southern Engineering Company dated October 1995. This set of plans is believed to be the same as what has been submitted to the Department for permitting. The Department issued the construction permit for the upgrades in 1995 and the construction was complete in 1997. The petition has been assigned OGC File No. 12-1045 and PA File No.: FLA010171-008-DWF/VO. Public comment must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jonathan May, Department of Environmental Protection, Domestic Wastewater Section, Northwest District, 160 West Governmental Street, Suite 308, Pensacola, Florida 32502-5740 (jonathan.may@dep.state.fl.us), (850)595-0609.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on May 8, 2012, the Board of Medicine, received a petition for waiver or variance filed by Marc L. Pollack, M.D., from Rule 64B8-4.009, 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 the 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: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on April 24, 2012, the Board of Physical Therapy Practice, received a petition for Francienna Grant, seeking a waiver of the requirements of Rule 64B17-9.001, Florida Administrative Code, which requires that every person licensed pursuant to Chapter 486, F.S., shall be required to complete twenty-four contact hours of continuing education courses approved by the Board in the twenty-four months preceding each biennial renewal period as established by the Department.

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. Comments on this petition should be filed with the Board at the above address, within 14 days of publication of this notice.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that on December 22, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-13.032(1) and paragraph 65C-13.032(3)(b), Florida Administrative Code, from Kids in Distress and Ronald and Susan Redfern. subsection 65C-13.032(1) and paragraph 65C-13.032(3)(b), F.A.C. requires states there should be no more than five children in a licensed home, including the family's own children. There shall be no more than two children under the age of two years in home, including the licensed out-of-home caregiver's 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.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The Florida **Department of State, Office of Cultural, Historical and Information Programs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 30, 2012, 10:00 a.m. (EST) until conclusion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9395093665

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the Viva Florida 500 initiative to commemorate Florida's 500-year anniversary, or Quincentennial, of the landing of European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building in local communities around the state. Agenda will be posted on [www.fla500.com](http://www.fla500.com) from May 23, 2012.

A copy of the agenda may be obtained by contacting: Rachel Porter, Special Programs Coordinator, (850)245-6360.

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: Rachel Porter, Special Programs Coordinator, (850)245-6360. 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: Rachel Porter, Special Programs Coordinator, (850)245-6360.

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

DATE AND TIME: Wednesday, June 13, 2012, 8:30 a.m. (EDT) – until conclusion

PLACE: The Visitor Center at Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF CHANGE This notice is for the purpose of changing the venue advertised in the April 13, 2012 issue.

A copy of the agenda may be obtained by contacting: Dorothy Frank, Library Program Specialist, [dorothy.frank@dos.myflorida.com](mailto:dorothy.frank@dos.myflorida.com) or (850)245-6631.