

**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**

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Sharon Graham on September 13, 2006, a petition for Waiver of paragraph 11B-35.001(3)(c), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department grant her CMS Instructor certification retroactive to February 13, 2006.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Osceola County Sheriff's Office on September 19, 2006, a petition for Waiver of Rule 11B-35.001, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department recognizing a specialized/advanced salary incentive class that it taught without the involvement of a certified training school.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance or Waiver from La Quinta Inns, Inc., on September 28, 2006, seeking a variance from the provisions of Rule 14-85.004, Florida Administrative Code. Rule 14-85.004, Florida Administrative Code, establishes that if the program administrator does not receive the payment of annual permit fee for a Logo program participant by 5:00 p.m. on December 1, the participant's logo

permit will expire. La Quinta Inns proposes that the Department grant a variance or waiver to the time limitation set forth in Rule 14-85.004, Florida Administrative Code.

Comments on this proposed variance should be filed with the: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Katie S. Buchanan, Assistant General Counsel, (850)414-5265.

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance from Polk County on September 27, 2006, seeking a variance from the provisions of Chapter 14-94, Florida Administrative Code. Chapter 14-94, Florida Administrative Code, establishes the statewide minimum level of service standards. Polk County proposes that the Department grant a variance to the minimum level of service standard on Interstate 4, from CR 557 to the Osceola County Line, and US 27, from CR 547 to the Lake County Line. Comments on this proposed variance should be filed with: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Katie S. Buchanan, Assistant General Counsel, at (850)414-5265.

**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 September 12, 2006, the the Governing Board of the St. Johns River Water Management District has issued an order.

Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2006-80), to DiVosta Homes, L.P. The Petition for Variance was received by SJRWMD on August 8, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W, Vol. 32, No. 34 on August 25, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an

increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an alternative rediversion project will accomplish the purpose of Chapter 373, Florida Statutes to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

NOTICE IS HEREBY GIVEN that on October 3, 2006, South Florida Water Management District (District) received a petition for waiver from the City of Wilton Manors, Application No. 05-0513-5, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County for proposed construction of a boat ramp, dock, pavilion, signage and asphalt parking within the west right of way of C-13 adjacent to Powerline Road and N. W. 23rd Street, Section 28, Township 49 South, Range 42 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and parking within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN that on September 7, 2006, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration received an Amended Petition for Variance of Rule 59A-33.013, F.A.C. which rule limits the number of clinics a medical and clinic director may supervise to five (5) clinics. The petitioner, Open Magnetic Imaging, Inc., OMI of Aventura, Inc., OMI of Aventura II, Inc., OMI CT of Aventura, Inc., OMI of Miami Lakes, Inc., OMI CT of Miami Lakes, Inc., OMI of Coral Gables, Inc., OMI of

Kendall, Inc., Open Magnetic Imaging of Coral Springs, Ltd., Open Magnetic Imaging of Plantation, Ltd., OMI of Plantation, Inc., OMI CT of Plantation, Inc., OMI of Ft. Lauderdale, Inc., OMI CT of Ft. Lauderdale, Inc., Open Magnetic Imaging of Pembroke Pines, Ltd., OMI of Jupiter, Inc., OMI of Palm Beach, Inc., OMI of Wellington, Inc., OMI of Boynton Beach, Inc., OMI of West Boca, Ltd., OMI of Jacksonville, Inc. and OMI of Orange Park, Inc., an MRI provider having 21 clinics in Florida, requests a variance of this rule, from five (5) to ten (10) clinics per medical director.

A copy of the Petition can be obtained from: Gail Priest, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308. The Health Care Clinic Unit 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., EST.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Bureau of Elevator Safety hereby gives notice that on August 28, 2006, it issued an Order Granting Variance Requests in response to a petition filed on May 31, 2006 and advertised in the F.A.W. Vol. 32, No. 24 by Lee Rigby of Vertical Assessment Associates regarding UBNC Family Life and Learning Center (VW 2006-150). The petition sought waiver from Rule 3.4.6.1 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have an elevator with less than the required 43 inches of clearance. The petitions were granted as it was demonstrated that the proposed markings and warnings would provide adequate protection.

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

The Bureau of Elevator Safety hereby gives notice that on October 2, 2006, it issued an Order Denying Variance Requests in response to a petition filed on June 14, 2006 and advertised in the F.A.W. Vol. 32, No. 29 by Susan Fisher, CAM regarding Estero Cove Condominium Association Inc. (VW 2006-164). The petition sought waiver from Chapter 3003.1.9 2001 Florida Building Code. The petitioner requested not install smoke detectors in the elevator lobbies. The petition was denied as no alternative means of meeting the intent of the code was put forward.

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

The Bureau of Elevator Safety hereby gives notice that on August 28, 2006, it issued an Order Granting Variance Requests in response to a petition filed on June 15, 2006 and

advertised in the F.A.W. Vol. 32, No. 30 by Paul Shea of Alimak-Hek Elevator Company regarding LaFarge Gypsum Plant (VW 2006-168). The petition sought waiver from Rule 5.7.12.2 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a Special Purpose Personnel Elevator with a capacity of 1980 lbs an inside clear area of 17.46 ft<sup>2</sup>. The petitions were granted as it was demonstrated that this elevator would exceed the required minimum load capacity and have very limited use. A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on October 9, 2006 it issued an Order Granting Variance Requests in response to a petition filed on 7/17/2006 and advertised in the F.A.W., Vol. 32, No. 30 by Tim Hawthorne of Otis Elevator regarding SunTrust Colonnade and Wellesley Condo – Phase II in Orlando (VW 2006-187). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

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

The Bureau of Elevator Safety hereby gives notice that on October 9, 2006 it issued an Order Granting Variance Requests in response to a petition filed on 7/14/2006 and advertised in the F.A.W., Vol. 32, No. 35 by leLainya Koutebera of Otis Elevator regarding 400 Beach Drive Condominium in St. Petersburg (VW 2006-193). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

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

The Bureau of Elevator Safety hereby gives notice that October 3, 2006, it Issued an Order Granting Variance Request in response to a petition filed August 1, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Jarvis of KONE, Inc. regarding Positano on the Gulf (VW 2006-199). The variance granted a waiver from Rule 2.7.3.1, of ASME A17.1, 2000

Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to have obstructed access to the machine space in the hoistway in the above project and the petition was granted as the petitioner demonstrated that access to the required spaces would be available when needed.

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

The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on August 25, 2006, (as advertised in the F.A.W. Vol. 32, No. 39) by Jeanne Martin of Accessibility Lifts, Inc. regarding Filta Fry (VW 2006-216), seeking a waiver from Rule 2000.7a of ASME A17.1, 1999 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift with a height of 14 feet. The variance was granted as the petitioner provided documentation that the lift is code complaint for up to 14 feet rise per the latest code.

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

NOTICE IS HEREBY GIVEN that on September 26, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Elks Lodge, Pensacola Beach (Petition VW 2006-242).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 26, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of

MonoSpace® elevator systems in the following location: Park Place on Seagrove Beach, Seagrove Beach (Petition VW 2006-243).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on September 29, 2006, Bureau of Elevator Safety received a Petition for Variance from Rule 2000.7a, ASME A18.1, 1999 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, limiting inside net floor area to 18 sq.ft. and requiring upper landing door be at least 42 inches high. The petition was received from Lee Rigby of Vertical Assessment Associates on behalf of Collier County Courthouse (Petition VW 2006-244).

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

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

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NOTICE IS HEREBY GIVEN that on October 4, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from 3.4, A.S.M.E. 17.1, 2000 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code, requesting to have 11ft 2in top of car clearance on one side of the shaft. The petition was received from A. Danial Fowler, AIA, of Lunz Prebor Fowler Architects on behalf of Brush & Pujol Law Office in Lakeland, FL (Petition VW 2006-245).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on October 4, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from 2.7.3.2 and 2.7.3.3, A.S.M.E. 17.1, 2000 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code, pertaining to access to machine spaces. The petition was received from David A. Luciano of Gatehouse Companies on behalf of Harris Music Lofts (Lic. No. 5608) located in West Palm Beach, Florida (Petition VW 2006-248).

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

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

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NOTICE IS HEREBY GIVEN that on October 10, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from B.J. Albanes Food Services located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

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

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

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NOTICE IS HEREBY GIVEN that on September 25, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Brothers and Sisters Barbeque Restaurant located in Winter Garden. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of thirty-two (32).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on September 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from the Chew Chew Express Sandwich Depot located in Mount Dora. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have ten (10) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

This variance request was approved October 5, 2006, and is contingent upon Petitioner ensuring the bathrooms located in the laundry mat are functional, has hot and cold running water

at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Petitioner shall notify guests to the location of the public bathroom facilities by directional signage. The seating capacity shall not exceed ten which includes inside and outside seating. All provisos shall be met prior to final licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on October 10, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from F&A Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

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

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

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NOTICE IS HEREBY GIVEN that on October 10, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Fiallos Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

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

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

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NOTICE IS HEREBY GIVEN that on October 3, 2006, the Board of Accountancy has issued an order.

The Petition for Waiver or Variance was filed on April 17, 2006, by Richard G. Hine, Jr. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 18, of the May 5, 2006, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held June 9, 2006, in Tampa, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.311, would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

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

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The Florida Real Estate Commission hereby gives notice of the issuance of a Final Order regarding the Petition for Declaratory Statement filed by Southridge Partners I on May 9, 2006. The Notice of Petition for Declaratory Statement was published in Vol. 32, No. 25, of the June 23, 2006, F.A.W. In its petition, Southridge Partners I sought an opinion from the Commission concerning Section 475.011(2), Florida Statutes, as to whether the services that the general partner provides in selling the limited partnership's real property enjoys exemption from the Florida Real Estate License law.

The Commission considered the Petition at a duly-noticed public meeting, held July 18, 2006, in Orlando, Florida. In its Final Order, filed on August 30, 2006, the Commission only responded to the specific facts and questions set forth in the Petition for Declaratory Statement. The Commission's opinion was that the sale of Petitioner's real property by the general partner: (i) is not a service of real estate that requires the general partner to hold a Florida real estate license under Section 475.01(1)(a), Florida Statutes, nor (ii) for which receipt of compensation based on a percentage of the sales price of the real property will constitute a violation of real estate law in the state of Florida because the Petitioner enjoys an exemption from licensure pursuant to Section 475.011(2), Florida Statutes.

A copy of the Final Order may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801.

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**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 September 12, 2006, the Department of Environmental Protection, received a petition for RemeTech LLC seeking a variance from the prohibition from a zone of discharge under subsection 62-522.300(3), F.A.C., for the use of Sodium Permanganate HP (high purity) to clean up sites that are contaminated with organic compounds.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

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

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

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, October 30, 2006, 1:00 p.m.

PLACE: Tampa Children's Medical Services, 13101 N. Bruce B Downs Blvd., Room 2004, Tampa, FL 33612, (813)396-9798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Review Meeting to evaluate the artwork proposed by the selected artists of Art in State Buildings Project No. DOS 9929/5000, Tampa Children's Medical Services, Hillsborough County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Art in State Buildings Program, 500 South Monroe St., Room 310A, Tallahassee, Florida 32399-0250, (850)245-6476.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.

This meeting will not be taped by the Division of Cultural Affairs. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at

least 48 hours before the meeting by contacting Morgan Barr at (850)245-6356. If you are hearing or speech impaired, please contact the Florida Relay at 711.

The **Department of State, Division of Cultural Affairs**, and Florida Arts Council, announces public meetings to which all persons are invited:

Florida Arts Council Meeting

DATES AND TIMES: November 14-15, 2006, 9:00 a.m. – Conclusion; November 16, 2006, 8:30 a.m. – Conclusion

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Cultural Facilities Program Grant Review Panel and general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website at [www.Florida-Arts.org](http://www.Florida-Arts.org) or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473 or by email [dalborn@dos.state.fl.us](mailto:dalborn@dos.state.fl.us).

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 10th day of November 2006, if you need an accommodation. Accommodations can be arranged through Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs, at (850)245-6356, by fax at (850)245-6497, or by email at [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us)

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 25, 2006, 10:30 a.m.

PLACE: 777 South Flagler Drive, Suite 300 E., Ft. Lauderdale, FL 33308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss; consumer-related issues, proposed