NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 51, December 19, 2008 issue of the Florida Administrative Weekly has been withdrawn.

Section IV **Emergency Rules**

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 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 March 30, 2009, the South Florida Water Management District (District), received a petition for waiver from the Collier County Board of County Commissioners, Application No. 09-0309-2, for utilization of Works or Lands of the District known as the Airport Road Canal, to allow an existing bus shelter and concrete sidewalk to remain within 40 feet of the top of the canal bank; Section 2, Township 49 South, Range 25 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: 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.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on March 19, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Administrative Code, from the Early Learning Coalition of Putnam and St. Johns Counties, Inc., 200 Reid Street, Suite 2, Palatka, Florida 32177.

This Notice supersedes the Notice published in Vol. 35, No. 13, on April 3, 2009, which referenced Rule No. 60BB-4.201, Florida Administrative Code.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on March 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Andree Achim on behalf of High Point Group Seven in Naples, FL for License Number 26187. The variance is requested from door restrictors (VW2009-052).

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 March 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Steve Austin of The Palms of Sebring (license number 35903) in Sebring, Florida. The petitioner is requesting 30 to 60 days to correct the following violations:

A17.1, 1996 sections 304, 303.1, 304, 204.1e and 110 which require an oil dipstick, code data tag, fire gibbs, door bumpers, door restrictors, tag on the hydraulic control valve, lock on escape hatch, car top railing and limits the door gap.

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 March 27, 2009, the the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Christopher Coventry of Orlando Regional Medical Center and MD Anderson Cancer Center for ASME 17.3 violations (fire fighter service, door restriction and two-way communication) until October 31, 2009 (VW2009-063).

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 March 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Andrew Deitz on behalf of Regions Financial Towers for License Number 36171 – 36174. The variance is requested from ASME A17.3 (VW2009-059).

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 March 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Matt Golden on behalf of Metropolitan for License Number 88271 - 88274. The variance is requested from ASME A17.1 Rules 2.1.3 and 2.7.3 which require steel wire ropes not less than 9.5 mm nominal diameter and metallic sheaves (VW2009-060).

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 March 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for variance.

Petitioner's Name: Matthew Golden

Rule No.: ASME A17.1, 2005 Edition, Sec. 2.1.3 and 2.7.3. Petitioner wishes to use 8 mm ropes instead of the required 9.5 mm ropes and non-metallic sheaves in place of the required metallic ones at the Metropolitan Condominium in West Palm Beach (VW2009-060).

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 March 30, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance Request Rule 61C-4.010, Sanitation and Safety Requirements, F.A.C., from Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code and Section 6-402.11, 2001 FDA Food Code for the Gourmet Hut located in St. Augustine. The above referenced F.A.C. addresses the requirement for establishments to provide an accessible bathroom for customers and employees. They are requesting to utilize public bathrooms located within 300 feet for customers and sharing separate employee bathroom facilities with adjacent businesses.

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

NOTICE IS HEREBY GIVEN THAT on April 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a petition for a temporary variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., until August 30, 2009 from William E. Hardman on behalf of Pompano Owners Association for License Number 22577 and 22578. The variance is requested from Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition which requires Fire Fighter service Phase I & II (VW2009-068).

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 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Anne Harrington on behalf of Good Samaritan Society. The variance is requested from unknown codes resulting form a recent inspection (VW2009-072).

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 March 30, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 from John Lapi of Sutton Place Condominiums in Palm Beach, Florida (Lic. numbers 30108-30111) (VW2009-064).

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 March 18, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Rich Levy on behalf of The Ocean at the Jupiter Bluffs for License Number 36232, 36316, 36317 and 36318. The variance is requested from A17.3, section 3.11.3. which required Fire Fighter Service Phase I & II (VW2009-050).

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 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from W. Lee Mikell on behalf of Federal Trust Bank for License Numbers 20435, 20436 and 20437. The variance is requested from Rules 3.11.3, 2.7.4 and unknown code requiring fire fighter service, door restrictors and replacing hoist ropes on a dumbwaiter (VW2009-071).

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 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Adrian M. Pfeffer on behalf of Steamboat Bend East for License Number 29974. The variance is requested from Rule 3.11.3, ASME A17.3, 1996 edition requiring Fire Fighter Service Phase I & II until August 31, 2009 (VW2009-073).

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 March 18, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for emergency variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Lee Rigby on behalf of Mayo Hospital in Jacksonville, FL. The petitioner is requesting a variance from ASME A17.1 rule 2.7.4.1, which prohibits foreign equipment in machine rooms to allow stairs and a hatch to access the roof.

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 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Joel W. Sainer of Belmont Park Apartments in Bradenton, FL. The petitioner requested to be exempted from the requirement for telephones, door restrictors and In Case of Fire signs on his 11 elevators (VW2009-069).

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 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C. from J. Peter Schmidt on behalf of South Seas North Condominium Association in Marco Island, FL. The variance is requested from A17.1 and A17.3 which require unspecified upgrades to the elevators (VW2009-074).

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 March 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C. from William Snyder on behalf of Seville Condominium in Clearwater, FL for License Number 10128 & 10129. The variance is requested from ASME A17.3 sections 3.11.1, 3.11.3 and 2.7.4 requiring two-way communication, fire fighter service Phase I & II and restricted door openings (VW2009-054).

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 March 19, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Jon M. Surprise on behalf of The Cascades for License Number 30431. The variance is requested from ASME A17.3 to allow them time to bring the elevator into compliance (VW2009-053).

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 March 27, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Noel S. Withers on behalf of S&R Building Partnership for License Number 7565. The variance is requested from Sec. 2.2.1, ASME A17.3 1996 edition.

Restricting access to machine rooms to authorized personnel only. Specifically the petition is requesting to have access to a sprinkler riser room be located through the machine room (VW2009-061).

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 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance Rule 61C-5.001, Standards Adopted; Exclusions; and Conflicts, F.A.C., from Scott Woodard on behalf of Ocean Sound Condo for License Number 30214 and 30215. The variance is requested from A17.3, 1996 Edition requiring Fire Fighter Service Phase I & II (VW2009-070).

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 March 30, 2009, the Board of Accountancy, received a petition for Charles E. Van Middlesworth, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31 and will not be accepted if it is postmarked or completed on-line after that date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy 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."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Rachel E. VandeRiet, seeking a variance or waiver of Rule 64B4-2.002, F.A.C. and Section 491.005(4)(c), Florida Statutes, with regard to the requirement of face-to-face contact between and intern and supervisor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, (850)245-4444. Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 26, 2009, the Board of Dentistry, received a petition for Variance or Waiver filed on March 26, 2009 on behalf of Manuel Salazar, D.D.S. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., petitioner seeks a waiver of subsection 64B5-7.003(4), and/or 64B5-2.0146(2), F.A.C. Specifically, the Petitioner requests that the provisions under subsection 64B5-7.003(4), and/or 64B5-2.0146(2), F.A.C., requiring all candidates for licensure to have received their dental degree from an accredited dental school be waived for the purpose of Petitioner obtaining licensure. This request is made based on the Petitioner's particular professional and educational background as described in the petition.

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, FL 32399-3258.

NOTICE IS HEREBY GIVEN THAT on April 2, 2009, the Board of Athletic Training has issued an order.

The Petition for Waiver or Variance was originally filed by Janna Peters on November 24, 2008, and an Amended Petition was submitted on behalf of Ms. Peters on February 6, 2009. The Amended Petition seeks a waiver or variance from paragraph 64B33-2.001(1)(b), F.A.C., with regard to the requirement for successful passage of the Board of Certification examination. The Notice was published in Vol. 34, No. 50, of the Florida Administrative Weekly, on December 12, 2008. The Board, at its telephone conference meeting held on February 25, 2009, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3058.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 29, 2009, 9:15 a.m. – 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1465889610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Elections Commission has formed a committee to review applications for the Executive Director position with the Florida Elections Commission.

A copy of the agenda may be obtained by contacting: Patsy Rushing, Commission Clerk at (850)922-4539, ext. 103 or patsy.rushing@myfloridalegal.com.

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: Patsy Rushing, Commission Clerk at (850)922-4539, ext. 103 or patsy.rushing@myfloridalegal .com. 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).

The **Florida Elections Commission** announces a public meeting to which all persons are invited. Parts of the meeting are confidential.

DATES AND TIME: Tuesday, May 12, 2009; Wednesday, May 13, 2009, 8:30 a.m. – 6:30 p.m.

PLACE: Senate Office Building, 404 South Monroe Street, Room 401, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

A copy of the agenda may be obtained by contacting: Patsy Rushing at (850)922-4539, ext. 103 or write to: 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050.

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: Patsy Rushing at (850)922-4539, ext 103. 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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited. DATE AND TIME: May 7, 2009, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: The Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide registration.html.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited. DATE AND TIME: May 21, 2009, 3:00 p.m.

PLACE: Teleconference Call: 1(877)290-0784, Conference Code: 4078285522, five minutes prior to the scheduled meeting time. Conner Building, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of a Subcommittee of the Florida Amusement Device and Attraction Advisory Committee to discuss public service announcements in regards to amusement ride safety.

A copy of the agenda may be obtained by contacting: Robert Jacobs, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790.

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: Robert Jacobs at (850)488-9790. If you are hearing