

insurer and subject to the conditions of subsection (5), if the Regulatory Asset Adequacy Issues Summary required by rule Chapter 69O-138, F.A.C., includes, if applicable, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods.

2. On valuation dates beginning with December 31, 2010, these tables may be substituted by an insurer not domiciled in this state at its option to value the policies identified in (a)(1), if the insurer provides the office with a statement from the commissioner of its state of domicile that the conditions for substituting these tables required by that state have been met.

The remainder of the rule remains the same.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-164.020 RULE TITLE: Valuation of Life Insurance Policies
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly.

Proposed Rule 69O-164.020(1)(a)1. will now read, “Tables of select mortality factors, identified as Appendix to Rule 69O-164.020, F.A.C., included as an Appendix to NAIC model regulation 830 effective January 1, 2000, which is hereby adopted by reference, and rules for their use;”

The remainder of the rule remains the same.

**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.”

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Verizon Florida LLC’s petition for waiver of subsection 25-4.040(2), Florida Administrative Code, filed June 14, 2010, in Docket No.: 100327-TL was denied by the Commission by Order No.: PSC-10-0599-PAA-TL, issued September 30, 2010, consummated by Order No.: PSC-10-0635-CO-TL, issued October 25, 2010. The rule addresses the requirement of a local exchange company to furnish one copy of the residential listings section of the telephone directory to its subscribers on an up front basis. The petition was denied; however, a temporary rule waiver for a period of two (2) years was granted. The Commission found that the waiver request recognized advances in technology while protecting the interests of subscribers who want to continue to receive a free printed residential white pages directory. The Commission granted a temporary rule waiver to allow Verizon Florida LLC and Commission staff an opportunity to solicit feedback from Florida consumers to determine how they feel about the discontinuance of an up-front copy of the residential white pages directory. Notice of the petition was published in the FAW on July 2, 2010. A copy of the Order can be obtained from the: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 14, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-188-DAO-ROW was issued to Miami-Dade County Parks and Recreation Department (Application No.: 10-0524-1M). The petition for waiver was received by the District on June 15, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 25, on June 25, 2010. No public comment was received. This Order provides a waiver of the District’s criteria to allow drainage improvements consisting of filling a ditch, installation of risers and French

drains, and narrowing a previously permitted pathway around an existing fenced pump within the north right of way of the C-4 Canal; Section 2, Township 54 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), 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 prohibits the placement of drainage treatment facilities within works or lands 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.

NOTICE IS HEREBY GIVEN THAT on October 14, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-189-DAO-ROW was issued to Lee County Parks and Recreation (Application No.: 10-0209-4). The petition for waiver was received by the District on July 20, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 31, on August 6, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing floating dock with canoe launch and proposed shoreline stabilization consisting of rip-rap and native vegetation within the C-43 north right of way adjacent to Caloosahatchee Regional Park; Section 19, Township 43 South, Range 27 East, Lee County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(j), 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 prohibits the placement of floating docks upstream of water control structures and governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works of lands 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.

NOTICE IS HEREBY GIVEN THAT on October 14, 2010, the the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-190-DAO-ROW was issued to Mathia and Maria Cecilia Staubli (Application No.: 10-0812-2). The petition for waiver was received by the District on August 12, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 34, on August 27, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing boat ramp, 2 trees encroaching 6 feet and cross-fences at the east and wet property lines extended within the north right of way of C-100A Canal; Section 11, Township 55 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(j), 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 40 feet of the top of the canal bank within works of lands 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 is based upon principles of fairness and 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.

NOTICE IS HEREBY GIVEN THAT on October 26, 2010, the the South Florida Water Management District (District), received a petition for waiver from Francisco Herdocia, Application No.: 10-0913-1M, for utilization of Works or Lands of the District known as the C-100C Canal, for an existing hedge and a portion of a playhouse that is within 40 feet from top of bank within the west right of way of the C-100C Canal; Section 17, Township 55 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above ground facilities within 40 feet from top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@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 the: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on October 29, 2010, the Agency for Health Care Administration has issued an order.

The Order is regarding the Petition for Waiver of paragraph 59A-4.1295(7)(e), Florida Administrative Code, filed by Plantation Nursing and Rehabilitation Center on August 3, 2010. Notice of the Petition for Waiver was published in Vol. 36, No. 33 of the August 20, 2010, Florida Administrative Weekly. Petitioner sought a waiver of the provision of the rule limiting the total pediatric census at a skilled nursing facility to no more than sixty residents. Timely comments in opposition to the Petition were received. The Agency issued an Order denying the Petition as legally and factually insufficient to justify granting the Petition. The Petition did not, on its face, satisfy the statutory criteria necessary to warrant a waiver of the rule.

A copy of the Order may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, Lorraine.Novak@ahca.myflorida.com or call: (850)412-3630.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Imperial Cove XIV, filed September 22, 2010, and advertised in Vol. 36, No. 41, 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 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 2010-597).

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

NOTICE IS HEREBY GIVEN THAT on October 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Final Order was in response to a Petition for emergency Variance from One Orlando Center, filed September 27, 2010, and advertised in Vol. 36, No 41, 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 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 restricted door openings until June 1, 2011, 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 2010-600).

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

NOTICE IS HEREBY GIVEN THAT on October 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from New Tribes Mission, filed September 28, 2010, and advertised in Vol. 36, No 41, 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 2.7.4, 3.3.2, 3.11.1(a)(2), 3.10.3 and 3.4.5(d) 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 restricted door openings, platform guards, two-way communication, top-of-car operating devices and emergency lighting until September 15, 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 2010-602).

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

NOTICE IS HEREBY GIVEN THAT on October 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Edwinola Retirement Community, filed September 28, 2010, and advertised in Vol. 36, No. 41, 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 303.3(d) ASME A17.1a, 1982 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 providing a supply line shutoff valve until July 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 2010-603).

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

NOTICE IS HEREBY GIVEN THAT on November 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Lake Side Village Condo, filed September 30, 2010, and advertised in Vol. 36, No. 42, 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 2.7.4 and 3.10.4(t) 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 restricted door openings and in-car stop switch until August 1, 2012, 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 2010-605).

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

NOTICE IS HEREBY GIVEN that on October 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Pinellas Harbor Greens. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2 and of ASME A17.1, Section 303.3d, 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 platform guards and shut-off valve 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 2010-657).

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 October 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Lake Harbour Towers North. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.6.5.8, 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 elevator's safety bulkhead 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 2010-658).

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 November 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Adventist Health Headquarters Bldg. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes, specific wedge shackles with non welded terminations and two clips above shackle, and grooved sheaves of a minimum pitch diameter 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 2010-659).

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 November 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Madeira Sol Condo. 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 for 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 2010-660).

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 November 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Jewett Orthopaedic Clinic. Petitioner seeks an emergency 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, that requires upgrading the elevators with a sump pump 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 2010-661).

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 November 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Racquet Club C. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2, 3.10.4(u) and 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 for restricted door openings, platform guards, in-car stop switch, and 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 2010-662).

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 November 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Premier North. 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, that requires upgrading the elevators for

firefighters' emergency operations 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 2010-663).

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 October 20, 2010, the Florida 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 October 8, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Bud Bar @ 319, Miami, FL. The above referenced F.A.C. addresses the requirements the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facility located within another licensed establishment.

The initial petition was published in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within the AmericanAirlines Arena Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of the AmericanAirlines Arena Main Kitchen changes, a signed agreement for use of the dishwashing facility and mop sink is required immediately.

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

NOTICE IS HEREBY GIVEN THAT on October 25, 2010, the the Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Burrito Brothers, Jupiter, 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 share the bathroom located within another establishment for use by customers only.

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

NOTICE IS HEREBY GIVEN THAT on October 6, 2010, the Florida 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 October 1, 2010 for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Carvery #1, #2, #3, Cavery-Terrace level, Latin Food-Concourse level, Noodle Cart-Terrace level, Nacho Cart-Concourse level, Sausage Cart-Concourse level, Soul Food Cart-Concourse level and BBQ Cart-Concourse level, Orlando, FL. The above referenced F.A.C. addresses the requirements The requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. The requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. The requirement that each establishment have an approved plumbing system installed to transport wastewater. They are requesting to share the dishwashing facility and mop sink located in another establishment at the same location and under the same ownership and to utilize holding tanks for potable and waste water at the hand sink.

The initial petition was published in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within Amway Center Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of Amway Center Main Kitchen changes, an updated signed agreement for use of the dishwashing facility and mop sink is required immediately. The Petitioner shall also ensure the waste water holding tanks for the hand sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling.

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 October 20, 2010, the Florida 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 October 8, 2010 for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from East Plaza #5, Miami, FL. The above referenced F.A.C. addresses the requirements that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The initial petition was published in Vol. 36, No. 42 on October 22, 10. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the American Airlines Arena, 601 Biscayne Blvd., Miami, Florida.

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 October 20, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on October 7, 2010 for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code from Evey's Mobile Soft Serve Palace, Melbourne, FL. The above referenced F.A.C. addresses the requirements that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The initial petition was published in Vol. 36, No. 42, October 22, 2010. After a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to the commissary as required.

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 October 28, 2010, the Division of Hotels and Restaurants, received a petition for a Routine 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 The Fish House, Ruskin, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathroom facilities with another nearby business.

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 October 20, 2010, the Florida 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 October 8, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Hot Dog @ 313, Miami, FL. The above referenced F.A.C. addresses the requirements the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and utilize dishwashing facilities located within another licensed establishment. They are requesting to share the mop sink and tree-compartment sink located within another licensed facility at the same location and under the same ownership.

The initial petition was published in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within AmericanAirlines Arena Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of AmericanAirlines Arena Main Kitchen changes, a signed agreement for use of the dishwashing facility and mop sink is required immediately.

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

NOTICE IS HEREBY GIVEN THAT on October 20, 2010, the Florida 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 October 8, 2010 for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Hot Dog @ 329 & 304, Miami, FL. The above referenced F.A.C. addresses the requirements The requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. The requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. The requirement that each establishment have an approved plumbing system installed to transport wastewater. They are requesting to share the dishwashing facility and mop sink located in another establishment at the same location and under the same ownership and to utilize holding tanks for potable and waste water at the hand sink.

The initial petition posted in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within AmericanAirlines Arena Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and are available during all hours of operation. If the hours of operation or ownership of AmericanAirlines Arena Main Kitchen changes, a signed agreement for use of the dishwashing facility and mop sink is required immediately. The Petitioner shall also ensure the wastewater holding tanks for the handwash 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.

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 October 20, 2010, the Florida 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 October 8, 2010 for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Papa John, Nacho & Mexi, Miami, FL. The above referenced F.A.C. addresses the requirements The requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are

provided. The requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. The requirement that each establishment have an approved plumbing system installed to transport wastewater. They are requesting to share the dishwashing facility and mop sink located in another establishment at the same location and under the same ownership and to utilize holding tanks for potable and waste water at the hand sink.

The initial petition was published in Vol. 36, No.42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within AmericanAirlines Arena Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and are available during all hours of operation. If the hours of operation or ownership of AmericanAirlines Arena Main Kitchen changes, a signed agreement for use of the dishwashing facility and mop sink is required immediately. The Petitioner shall also ensure the wastewater holding tanks for the handwash 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.

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 October 20, 2010, the Florida 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 October 6, 2010 for subsections 61C-4.010(6), (7), Florida Administrative Code, from Pizza Brew, Coral Springs, FL. The above referenced F.A.C. addresses the requirements that at least one accessible bathroom be provided for use by customers. They are requesting to share bathrooms located within another business for use by customers only.

The initial petition was published in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the bathrooms located within an adjacent business (Whole Addiction) are maintained in a clean and sanitary manner and are provided with 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 or outside the establishment clearly stating the location of the bathrooms. If the hours of operation or ownership of Whole Addiction change, an updated signed agreement for use of the bathroom facilities is required immediately.

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

NOTICE IS HEREBY GIVEN THAT on October 20, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on October 8, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Subway, Cape Coral, FL. The above referenced F.A.C. addresses the requirements that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facility located within another establishment.

The initial petition was published in Vol. 36, No. 42 on October 22, 2010. After a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the dishwashing facility and mop sink located within the Cape Coral Hospital Main Kitchen are maintained in a clean and sanitary manner, provided with hot and cold running water under pressure, and are available during all hours of operation. A handwash sink must be accessible for use in the dishwashing area. If the hours of operation or ownership of the Cape Coral Hospital Main Kitchen changes, an updated signed agreement for use of the dishwashing facility and mop sink is required immediately.

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

NOTICE IS HEREBY GIVEN THAT on October 21, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 2, 2010, by Pedro F. Ruiz. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 13, of the April 2, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.001(5)(a), F.A.C., entitled "College or University

Requirements,” which lists the requirements for an applicant for licensure who holds a degree from a college that is not accredited. Petitioner also sought a waiver or variance of paragraph 61H1-27.002(3)(a), Florida Administrative Code, entitled, “Concentrations in Accounting and Business,” which requires that an applicant for the licensure examination have 24 semester or 36 quarter hours in general business education to include not less than the equivalent of 6 semester or 8 quarter hours in business law courses with coverage of the uniform commercial code, contracts and torts. The Board considered the instant Petition at a duly-noticed public meeting, held May 14, 2010, in Tampa, Florida.

The Board’s Order partially approved and partially denied the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.306(2), Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.001(5)(a), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship. Petitioner failed to establish that the purpose of the underlying statute, Section 473.306(3), F.S. would be met by granting a variance or waiver from paragraph 61H1-27.002(3)(a), F.A.C. The Board further found that Petitioner failed to establish 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, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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 October 28, 2010, the Board of Optometry, received a petition for waiver or variance filed by John E. Griffin, Esquire, on behalf of Florida Optometric Association, Inc., from paragraph 64B13-5.002(3)(c), F.A.C., with regard to approval of transcript quality continuing education programs. Specifically, the Petitioner, requests a one-time variance/waiver of the requirement of paragraph 64B13-5.002(3)(c), F.A.C., that a transcript-quality continuing education program be approved by the Board of Optometry as transcript-quality coursework prior to the time the course was taken. This one-time waiver/variance is requested only for Course #20-282840-Retina Disease Update and Course #20-283760-Inflammation: Anterior Segment Ophthalmic Responses, which were offered

by Petitioner on July 22, 2010. Comments on this petition should be filed with the: Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, at the above address or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN THAT on October 21, 2010, the Department of Health, received a petition for variance from sub-subparagraph 64E-11.013(3)(c)1.c., Florida Administrative Code (F.A.C.), from The School District of Lee County, Florida, 2855 Colonial Boulevard, Fort Myers, FL 33966. This rule states, “Food service establishments with multiple food operations located in different buildings at the same location, regardless of ownership, shall be assessed separate annual fees for each food operation based on the category of establishments listed in paragraph (3)(b) above.” Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Family Preservation Services of Florida, Inc. and Jennifer Macdonald, assigned Case No.: 10-047W. Subsection 65C-15.017(3), F.A.C., requires staff responsible for supervision shall have a bachelor’s or master’s degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on October 26, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Family Preservation Services of Florida, Inc. and Mikgelle Koelber, assigned Case No.: 10-049W. Subsection 65C-15.017(3), F.A.C., requires staff responsible for supervision shall have a bachelor’s or master’s degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on October 25, 2010, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(5)(e), Florida Administrative Code, from Kids in Distress and John and Susanne Beebe, assigned Case No.: 10-051W. Paragraph 65C-13.030(5)(e), F.A.C., states swimming pools shall have a barrier on all sides at least four feet high. The barrier shall consist of a house plus a fence on the remaining three sides or a four-sided fence. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or other lock that is not accessible to 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 October 27, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Jewish Family Community Services and Carla Colbert, assigned Case No.: 10-052W, Zora Jenkins, assigned Case No.: 10-053W, and Felicia Mitchell, assigned Case No.: 10-0054W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for supervision shall have a bachelor's or master's degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on October 25, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(4), Florida Administrative Code, from Children's Home Society of Florida and John Sherman, assigned Case No.: 10-055W. Subsection 65C-14.055(4), F.A.C., requires staff responsible for the supervision, evaluation and monitoring of the direct child care staff shall have a bachelor's degree in social work, or related area of study from a college or university and at least 3 years of experience in working with children, or 2 years of college and 4 years of experience in working with 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 **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 23, 2010, 4:00 p.m. – 5:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL will host a make up Board Orientation Meeting for those board members who were unable to attend on September 9, 2010. Subject matters to be discussed will include introductions of board members and staff; the organization and site histories; and current and future goals of the organization.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379.

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)245-6379. 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)245-6379 or email: jbshiver@dos.state.fl.us.

The **Division of Historical Resources**, Bureau of Historic Preservation, Florida Folklife Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2010, 10:30 a.m.

PLACE: Bureau of Historic Preservation, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review nominations and recommend designation of 2011 Florida Folk Heritage Awards.

A copy of the agenda may be obtained by contacting: Susanne Hunt at (850)245-6333 or email: shunt@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