

DATE NOTICES OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 17, 2010 and December 30,
2010

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-4.002	Purpose and Definitions
5I-4.005	Protection of Managed Lands
5I-4.006	Recreational Activities and Facilities
5I-4.008	Vendors; Authorizations; Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-5.001	Purpose
5I-5.002	Definitions
5I-5.003	Use of Plant A Tree Trust Fund Monies
5I-5.004	Grant Application Process
5I-5.005	Reviewing and Processing of Grants
5I-5.006	Maintenance of Grant Award Projects
5I-5.007	Prioritization of Grant Applications
5I-5.008	Award of Grants
5I-5.009	Execution of Agreements and Documents
5I-5.010	Review of Projects in Progress and Upon Completion

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-10.0052	Zoning Enacted Primarily to Permit Outdoor Advertising Signs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-20.0025	Definitions
14-20.0032	Placement of Benches
14-20.005	Accessibility on Public Rights of Way

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 49, December 10, 2010 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.008	Scope of Services
59A-8.0086	Denial, Suspension, Revocation of License and Imposition of Fines
59A-8.0095	Personnel
59A-8.0185	Personnel Policies
59A-8.020	Acceptance of Patients or Clients
59A-8.022	Clinical Records
59A-8.0245	Advance Directives
59A-8.027	Emergency Management Plans

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 28, July 16, 2010 issue of the Florida Administrative Weekly has been withdrawn.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on February 24, 2011, the Criminal Justice Standards and Training Commission, received a petition for a waiver of subparagraph 11B-20.001(3)(a)2., F.A.C., by Mel Eakley. The rule requires instructors to complete an internship after successfully completing the general instructor techniques course. The Petitioner wishes to waive those portions of the rule requiring him to have completed all requirements to become certified as an instructor within four years of applying for instructor certification,

including the internship. The petitioner completed an instructor techniques course in 1996. He has never completed an internship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 23, 2011, the St. Johns River Water Management District, received a petition for variance from The City of Palm Bay, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 40-009-125243-1. The permit applicant is proposing to construct approximately four miles of roadway, as well as expanding the existing surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system, for a surface water management system known as Parkway/Emerson/Pace, in Brevard County. subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Christopher Mitchell, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2011-11.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gail Hankinson, Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177 or by telephone at (386)329-4391.

The South Florida Water Management District hereby gives notice that the Executive Director of the South Florida Water Management District (SFWMD) issued an Order Granting Variance under Section 120.542, Florida Statutes (SFWMD 2011-027-DAO-ERP), on February 22, 2011, to Avatar Properties, Inc., concerning a project known as Poinciana Parkway Sections 1 & 2. A petition for variance was received for each section of the project. The petitions for variance were received by the SFWMD on August 19, 2010 and January 10, 2011, respectively. Notices of receipt of the petitions requesting the variance were published in the Florida

Administrative Weekly, Vol. 36, No. 35, on September 3, 2010, and Vol. 37, No. 4, on January 28, 2011. No public comment was received. This Order provides a variance for the proposed construction of the Poinciana Parkway, a 9.66 mile arterial roadway to be operated and maintained as a toll road by a public-private partnership comprised of Avatar Properties, Inc., Polk County, and Osceola County. Specifically, the Order grants a Variance from subsection 40E-4.321(3), Florida Administrative Code, concerning duration of permits. Generally, the Order sets forth the basis of the decision to grant the Variance, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a Variance from the subject rule would prevent Avatar Properties, Inc., from suffering a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Kathie Ruff, Paralegal, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail: kruff@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on February 18, 2011, the Agency for Health Care Administration, received a petition for Waiver of subsection 59A-35.100(2), Florida Administrative Code.

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542, Florida Statutes, from Petitioner, Alzheimer's Community Care, Inc. The Petition requests a waiver from subsection 59A-35.100(2), F.A.C., implements Section 408.810, Florida Statutes. This rule states that no more than one license will be issued to operate the same provider types at the identical physical or street address, with the exception of federally authorized clinical laboratories.

The Agency 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. (Eastern Standard Time).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop 3, Tallahassee, Florida 32308.

For additional information, please contact: Vikram Mohan, Office of the General Counsel, at the above address or telephone (850)412-3630.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Gulf Cove Condos, filed July 8, 2010, and advertised in Vol. 36, No. 30 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-460).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from South Beach I, filed July 21, 2010, and advertised in Vol. 36, No. 31 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-477).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from 333 Southern Blvd., filed July 28, 2010, and advertised in Vol. 36, No. 35 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-491).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Schooner Bay, filed August 2, 2010, and advertised in Vol. 36, No. 33 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-500).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Penthouse Beach Club Assoc., Inc., filed September 3, 2010, and advertised in Vol. 36, No. 38 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-564).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Morris Bridge Water Treatment Plant, filed September 7, 2010, and advertised in Vol. 36, No. 38 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-568).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety

has issued an order. That Final Order was in response to a Petition for Variance from Isle of Clearwater Condo, filed September 14, 2010, and advertised in Vol. 36, No. 40 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 2.7.2, ASME A17.1, 2005 edition and Chapter 30, Section 3006.2, Florida Building Code, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires venting and restricts unnecessary equipment in machine rooms because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-583).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Ben Hill Griffin Stadium, filed September 14, 2010, and advertised in Vol. 36, No. 40 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-584).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Broadview Terrace Condos, LLC, filed September 24, 2010, and advertised in Vol. 36, No. 40 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-586).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Town & Country Hospital, filed

October 1, 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 denies the Petitioner a variance because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-606).

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

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Embassy Suites Tampa Airport/Westshore, filed October 14, 2010, and advertised in Vol. 36, No. 44 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the new rules will not be installed within a reasonable time period and the Petitioner has not demonstrated that they would suffer a substantial hardship if required to comply with this rule (VW 2010-635).

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

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Midnight Cove II Bldg. 9, filed December 16, 2010, and advertised in Vol. 36, No. 52 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 Chapter 30, Section 3002.9, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires fire alarm initiating devices until December 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-726).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 23, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from 11176 Boggy Creek Rd., filed January 28, 2011, and advertised in Vol. 37, No. 6 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 2.7.1 ASME A18.1, 2003 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 the vertical platform lift shall not exceed 12 ft. because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-022).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Best Western International Dr., filed January 31, 2011, and advertised in Vol. 37, No. 6 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 2011-023).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 23, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Blind Pass Lagoons, Bldg. 3, filed January 25, 2011, and advertised in Vol. 37, No. 6 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida

Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-030).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 23, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Seagle Bldg., filed January 28, 2011, and advertised in Vol. 37, No. 6, 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 January 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 2011-033).

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 February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for The Gulfview Club. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2011-061).

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 February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received

a petition for Boston Red Sox. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1)&(3), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that dictates the type, diameter and number of hoistway ropes, and the conditions under which ropes would need to be replaced 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 (VW2011-062).

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 February 23, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Embarq. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2011-063).

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 February 25, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Sterling on the Gulf. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2011-065).

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 February 28, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Waterway Condo. 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 with 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 (VW2011-066).

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 February 28, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Imperial Cove Condo IX. 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 with 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 (VW2011-067).

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 March 1, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Lake Co. Judicial Center Extension Phase 2A. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires the use of 9.5 mm steel rope and metallic sheave 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 (VW2011-068).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 1, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Terrace East Condo, filed February 3, 2011, and advertised in Vol. 37, No. 7 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, 2.7.4 & 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 firefighters' emergency operations, restricted door openings and in-car stop switch because the restricted door openings will not be installed within a reasonable time period and Petitioner has not demonstrated how the intent of the code would be met (VW 2011-043).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 1, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Park Ln. Condo, filed February 7, 2011, and advertised in Vol. 37, No. 7 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, 2.7.4, 3.11.1(a)(1), 3.10.4(t), 2.2.3 and 3.4.5, 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, restricted door openings, emergency signaling, stop switch either keyed or behind a locked cover and machine room and car lighting because the restricted door openings and lighting required will not be installed within a reasonable time period and no hardship from having to comply with them has been put forth (VW 2011-045).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

That on February 7, 2011 the Department received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6),

Florida Administrative Code from Mariachi's Grill located in Groveland. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition was published in Vol. 37/07 on February 18, 2011. The Order for this Petition was signed on February 24, 2011 and 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 establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at an approved commissary and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food must be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on January 26, 2011 the Department received a Petition for an Emergency Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Carlos Renta located in Miami, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to install casters on the unit rather than axle-mounted wheels in order to be otherwise movable from place to place.

The Order for this Petition was signed on February 17, 2011, and 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 establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the casters are maintained in good repair. No additional equipment is to be installed. The unit must report to the commissary as required.

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

NOTICE IS HEREBY GIVEN that on March 1, 2011, the Florida Real Estate Appraisal Board, received a petition for David L. Cederquist, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 1, 2011, the Florida Real Estate Appraisal Board, received a petition for Angel R. Famiglietti, seeking a variance or waiver of Rule 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice that on February 21, 2011, the Department issued an order granting the City of Minneola a variance. The petition was received on January 10, 2011, and the notice of receipt of the petition for variance was published in the Florida Administrative Weekly on January 28, 2011. The petition requests a variance from the paragraph 62-503.430(9)(a), F.A.C., which requires that construction loans for projects sponsored by local governments be repaid within 20 years. The City of Minneola requested that their loan, No. 89601L, repayment be extended from 20 years to 30 years due to financial hardship. No public comment was received. The Order, OGC # 11-0050, granted the Petition for variance from paragraph 62-503.430(9)(a), F.A.C., and extended the loan repayment period from 20 years to 30 years, based on a showing that Minneola demonstrated that a strict application of the rule would result in substantial hardship to Minneola and because Minneola had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order or additional information may be obtained by contacting: Robert H. Ballard, PE III, Department of Environmental Protection, Bureau of Water Facilities Funding, MS 3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; (850)245-8401; bob.ballard@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on February 23, 2011, the Board of Medicine, received a petition for waiver or variance filed by Jilpa Patel, from Rule 64B8-30.003, F.A.C., with regard to the requirement for letters of recommendation for physician assistant applicants.

Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on February 14, 2011, the Department of Children and Families, received a petition for wavier of subsection 65C-15.017(3), Florida Administrative Code, from Family Support Services of North Florida, Inc. and Lauren Milligan, assigned Case No. 11-005W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or 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.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources** and the Florida National Register Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: March 23, 2011, 1:00 p.m.

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Florida National Register nomination proposals.