

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN that on March 4, 2011, the Florida Department of Agriculture and Consumer Services, received a petition for a waiver or variance of proposed Rules 5J-15.001 and 5J-15.002, F.A.C., as noticed in Vol. 36, No. 47 on November 24, 2010, by SEBSEA Enterprises, LLC dba Senior Moves. The nature of the rule for which variance or waiver is sought: Proposed Rule 5J-15.001, F.A.C., adopts a form for use in registering with the Department of Agriculture and Consumer Services as a household moving service, pursuant to Section 507.03, Florida Statutes. Proposed Rule 5J-15.002, F.A.C., adopts forms for use in filing a performance bond or certificate of deposit, pursuant to Section 507.04, Florida Statutes. Proposed Rules 5J-15.001 and 5J-15.002, F.A.C., are currently in the rulemaking process.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jared Gardner, Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, Suite 520, Tallahassee, Florida 32399-0800; Telephone (850)245-1000. Any interested person or other agency may submit written comments within 14 days after the publication of this notice to Jared Gardner at the address specified above.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 14, 2011, the South Florida Water Management (District), received a petition for waiver from J. Michael Crooks, Application No. 11-0314-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as G-3W (Deer Fence) Canal, Hendry County, to allow an existing 66" culvert to remain through the north right of way. The petition seeks relief from Rule 40E-6.601, F.A.C., which governs the payment of Application Processing Fees associated with the issuance of a Right of Way Occupancy Permits within Works and 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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

The South Florida Water Management District (District) hereby gives notice that the Executive Director of the District issued an Order Granting Variance under Section 120.542, Fla. Stat., (Order No. 2011-030-DAO-WU), on March 10, 2011, to Pelican Cove Property Owner's Association, Inc., in Palm Beach County. The Petition for Variance (Application No. 101216-7) was received by the District on December 16, 2010. Notice of receipt of the petition requesting variance was published in the Florida Administrative Weekly, Vol. 37, No. 1, on January 7, 2011. No public comment was received. This Order provides a variance for the Pelican Cove Property Owner's Association, Inc. Specifically, the Order grants a Variance from paragraph 40E-24.201(7)(a), F.A.C., which states that irrigation of existing landscape shall be conducted on specific days. Generally, the Order sets forth the basis of the Executive Director's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of an alternate landscape irrigation schedule for each of its specified properties is likely to achieve the purpose of the statutes underlying paragraph 40E-24.201(7)(a), F.A.C.; 2) the Petitioner has demonstrated that it will experience substantial economic and technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this variance will not prevent the Petitioner from meeting all permit conditions necessary to assure compliance with all of the District rules assuring protections of the water resources.

A copy of the Order or additional information may be obtained by contacting: South Florida Water Management District's Water Resource Regulation Department during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680; by telephone at: (561)682-6911; or, by e-mail at: permits@sfwmd.gov; or, by accessing the District's website at: www.sfwmd.gov using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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 March 11, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Airport Control Tower, filed February 10, 2011, and advertised in Vol 37, No 8, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4 & 2.24.2.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires using 9.5 mm steel rope and a metallic sheave

because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-051).

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 March 11, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Load King, filed February 11, 2011, and advertised in Vol 37, No 8, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.10.3 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 top-of-car operating devices 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 2011-052).

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 March 11, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Shannon Funeral Home, filed March 16, 2010, and advertised in Vol 35, No 50, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2 ASME A17.3, 1996 edition and Rule 104(c) ASME A17.1, 1925 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 access to the machine room and penthouse entrance 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 2009-761).

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 March 11, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Monte Carlo Towers, filed February 8, 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 grants the Petitioner a variance from Rule 2.11.1.3 and 2.11.10.2 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code and from Section 3002.6 Florida Building Code that requires providing a phone as alternative to emergency doors, landing sill lighting and restricting any door other than hoistway and elevator car doors 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 2011-048).

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

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 Boca Financial. 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 (VW 2011-071).

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 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Alexander Building. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, 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 the shut-off valve to be located within the elevator machine room 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 2011-072).

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 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for WPB Resource Recovery. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 5.7.12.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that limits the elevator load, speed and platform area 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 2011-073).

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 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for City Center. Petitioner seeks an emergency variance of the requirements 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 the shut-off valve to be located within the elevator machine room 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 2011-074).

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 10, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Hollywood Sweets & Icy Treats located in Hollywood. 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 utilize centrally located public bathrooms for use by customers only. The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

NOTICE IS HEREBY GIVEN that on March 15, 2011, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Au Bon Pain located in Coral Gables. The above referenced F.A.C. addresses the requirements that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

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

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

NOTICE IS HEREBY GIVEN that on March 3, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Riverwalk 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 (VW 2011-080).

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 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for 520 Tampa Building. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires restricted door openings 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 2011-082).

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 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Bayshore Royal Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.2.4, 2.3.1, 3.4.1, 3.4.2, 3.4.4, 3.9.1, 3.10.2 and 3.10.3 and of ASME A17.1, Section 8.6.1.6.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires machine room ventilation, access to pits, fully enclosed cars, a door or gate at the entrance, car top emergency exits, normal terminal stopping devices, car switch operation levers to return to the stop position and latch automatically, top-of-car operating devices and up-to-date wiring diagrams available in the machine room 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 2011-083).

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 10, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Boca Teeca Condo #5. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires restricted door openings 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 2011-084).

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 15, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Wells Fargo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building

Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-087).

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 4, 2011, the Florida Real Estate Appraisal Board, received a petition for D. Wade Brown, 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, Acting 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 HEALTH

NOTICE IS HEREBY GIVEN that on March 9, 2011, the Board of Occupational Therapy, received a petition for Richard W. Robitaille, D.C seeking a variance or waiver of Rule 64B11-4.001, F.A.C., with regard to the application of the provisions set forth in its administrative rule paragraph 64B11-4.001(1)(d), F.A.C., to grant him the authority to supervise the treatment sessions required to qualify Occupational Therapists and Occupational Therapy assistants for the use of an electrical stimulation device.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that on March 8, 2011, the Department of Health, received a petition for Variance from Manatee County for a Recreational Camp located at Jiggs Landing Preserve, Manatee County. The Petition requests relief from the setback requirements of paragraph 64E-15.009(1)(a), F.A.C. The Jiggs landing Preserve recreational Camp is located at 6106-63rd Street East, Bradenton, Florida. 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 publication of this notice.

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State, Division of Library and Information Services**, announces a meeting of the State Library Council Governmental Affairs Subcommittee via conference call. All persons are invited.

DATE AND TIME: Monday, April 4, 2011, 8:15 a.m. – 8:30 a.m. EDT

PLACE: Archives Conference Room, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Library Council Governmental Affairs Subcommittee will review and discuss matters and issues related to the programs and/or activities of the Division of Library and Information Services. Subject matter may include issues that have local or statewide impact on the Division and/or the services it provides to Florida's citizens, and strategies to promote the Division's values and work.

For additional information, contact: Judith Ring, Division Director at (850)245-6600.

Any person requiring special accommodations or assistance due to a disability or physical impairment should contact the agency at least five days prior to the meeting by calling (850)245-6600 or TDD (850)922-4085.

The Florida **Department of State, Division of Library and Information Services**, announces a meeting of the State Library Council Governmental Affairs Subcommittee via conference call. All persons are invited.

DATE AND TIME: Monday, April 11, 2011, 8:15 a.m. – 8:30 a.m. EDT.

PLACE: Archives Conference Room, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Library Council Governmental Affairs Subcommittee will review and discuss matters and issues related to the programs and/or activities of the Division of Library and Information Services. Subject matter may include issues that have local or statewide impact on the Division and/or the services it provides to Florida's citizens, and strategies to promote the Division's values and work.

For additional information, contact: Judith Ring, Division Director at (850)245-6600.

Any person requiring special accommodations or assistance due to a disability or physical impairment should contact the agency at least five days prior to the meeting by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 7, 2011, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: April 12, 2011, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: April 12, 2011, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: April 13, 2011, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: April 13, 2011, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: April 14, 2011, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: April 20, 2011, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: April 21, 2011, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.