

“4.a. Successful completion of a residency program in physical medicine and rehabilitation, anesthesiology, neurology, neurosurgery, family practice, internal medicine, orthopedics or psychiatry approved by the ACGME; or

b. Sub-specialty certification in hospice and palliative medicine or geriatric medicine recognized by ABMS;”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Acting Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

### Section IV Emergency Rules

**NONE**

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

**WATER MANAGMENT DISTRICTS**

The Suwannee River Water Management District (SRWMD) hereby gives notice:

This Order (11-0002) done and ordered on March 15, 2011, granted waiver under Section 120.542, F.S., to Bruce Rankin, 9859 N.W. 38th Terrace, Branford, FL 32008, for replace the existing home above the 100-year flood elevation further landward, in Gilchrist County, FL, located in Township 7 South, Range 14 East, Section 13. The petition for waiver was received by SRWMD on February 22, 2011. Notice of receipt of petition requesting waiver was published in F.A.W., Vol. 37, No. 9, on March 4, 2011. No public comment has been received. This Order provides a waiver from SRWMD criteria for subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification requirement. SRWMD granted the waiver because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order or additional information may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida Only.

NOTICE IS HEREBY GIVEN that on March 18, 2011, the South Florida Water Management District (District), received a petition for waiver from John and Michele Newberry, Application No. 11-0201-1, for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the

District for the proposed installation of a fence enclosure with 2-10' wide vehicular access gates encroaching 10' (to the top of the canal bank) within the south right of way of the Green Canal at the rear of 6221 Cedar Tree Lane; Section 20, Township 49, Range 26, Collier County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent above-ground encroachments within 40' of the top of the canal bank 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 at 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.

NOTICE IS HEREBY GIVEN that on March 7, 2011, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Application No. 11-0307-2 for utilization of Works or Lands of the District known as the C-2 Canal, for installation of a concrete shared use path, safety railing, retaining wall, light poles, landscaping and bank stabilization/revetment within the south right of way of C-2, located between S. W. 70th Avenue and SR-5/US-1, Section 35, Township 54 South, Range 40 East, Miami-Dade County, FL. The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs placement of permanent and semi-permanent above-ground structures within 40' of top of canal bank and within designated 100' long equipment staging areas 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.

**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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Palazzo Di Oro, filed January 6, 2011, and advertised in Vol. 37, No. 3, 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 March 1, 2016, 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 2011-006).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Chiles Academy, filed January 10, 2011, and advertised in Vol. 37, No. 3, 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 a vertical platform lift 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 2011-008).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Comfort Inn Universal Studios, filed January 11, 2011, and advertised in Vol. 37, No. 3, 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 November 5, 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 2011-010).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from St. Lucie Bldg., filed January 12, 2011, and advertised in Vol. 37, No. 4, 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 January 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 2011-013).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Source International, filed January 18, 2011, and advertised in Vol. 37, No. 4, 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 3.4.4 and 3.4.7 ASME A17.1, 2004 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 minimum clearance of 43" 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 2011-016).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Colony Hotel, filed January 24, 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, 3.3.2, 3.10.4(e), (h), (u), 3.10.3 and 3.11.1 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 restricted door openings, platform guards, electrical protective devices, top-of-car operating devices and car emergency signaling devices until June 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 2011-021).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from City of Ft. Myers, filed January 21, 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 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 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 pit be 5' deep and a guard face with a straight vertical face 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 2011-024).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from City of Ft. Myers, filed January 21, 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 2.10.2.1 and 2.4.6.2(c) ASME A17.1, 2000 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that regulates the top rail and the amount of top car clearance 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 2011-025).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Bahia Vista Property Bldg., filed January 24, 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 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 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 2011-026).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Bristol Court Assisted Living, filed January 24, 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 8.6.5.8 ASME A17.1, 2004 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 a safety bulkhead on the bottom of the hydraulic jack until March 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 2011-027).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 440 West Condo, filed January 25, 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 3.11.3 & 3.3.2 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 and platform guards until December 31, 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 2011-028 and VW 2011-029).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 15, 2011, the Department issued a Final Order that was in response to a Petition for Variance from Sunshine Towers, filed January 27, 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 and 3.9.1, 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 normal terminal stopping devices because there is already a variance from firefighter's service through April 1, 2014, and the additional features required under the new rules will not be installed within a reasonable time period and no hardship from compliance with them has been put forth (VW 2011-032).

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.

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Colonial Square Bldg., 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 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 February 1, 2016, 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 2011-049).

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

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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 15, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Coronet 300, filed February 18, 2011, and advertised in Vol. 37, No. 9, 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 2011-057).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 22, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from The Gulfview Club, filed February 23, 2011, and advertised in Vol 37, No 10, 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 January 1, 2017 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 2011-061).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 22, 2011 the Division issued an order. The Final Order was in response to a Petition for

emergency Variance from Embarq, filed February 23, 2011, and advertised in Vol 37, No 10, 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 2011-063).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 22, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Sterling on the Gulf, filed February 25, 2011, and advertised in Vol 37, No 10, 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 2011-065).

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

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NOTICE IS HEREBY GIVEN that on March 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Ramada Plaza Hotel. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code 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 2011-089).

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

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NOTICE IS HEREBY GIVEN that on March 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Atlantis Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and 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 upgrading the elevators with firefighters' emergency operations and restricted door openings 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 2011-090).

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

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NOTICE IS HEREBY GIVEN that on March 16, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Oasis on Osprey Condo. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3 and A17.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code 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 2011-091).

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

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NOTICE IS HEREBY GIVEN that on March 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Bamboo Noahs located in Fort Lauderdale. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

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.

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on December 10, 2010, by Marline Cepoudi Duroseau. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 1, January 7, 2011, of the Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraphs 61H1-27.0041(1)(b), (c) and subsection (2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The Board considered the instant Petition at a duly-noticed public meeting, held January 28, 2011, in Tampa, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from paragraphs 61H1-27.0041(1)(b), (c) and subsection (2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

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

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on December 14, 2010, by H. Garland Granger. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 52, of the December 30, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection

61H1-33.0033(1), F.A.C., entitled "Obligations of CPA Ethics Course Continuing Education Providers," that requires that the continuing education provider retain documentation that the course instructor is a certified public accountant who has practiced in a public accounting firm for five of the last ten years. The Board considered the instant Petition at a duly-noticed public meeting, held January 28, 2011, in Tampa, Florida.

The Board's Order, filed on March 15, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.0033(1), F.A.C. The Board further found that Petitioner had 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 or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on November 22, 2010, by Jody Michalec. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 50, of the December 17, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraphs 61H1-27.0041(1)(b), (c) and subsection (2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The Board considered the instant Petition at a duly-noticed public meeting, held January 28, 2011, in Tampa, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from paragraphs 61H1-27.0041(1)(b), (c) and subsection (2), F.A.C. The Board further found that Petitioner established that

applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

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

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on December 1, 2010, by Amy Robinson. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 51, of the December 23, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on January 28, 2011, in Tampa, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

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

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on December 20, 2010, by Natalia Salnova. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 2, of the January 14, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on January 28, 2011, in Tampa, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes,

would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

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

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 5, 2011, by Ira Bellinkoff. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 3, January 21, 2011, of the Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on February 8, 2011, in Orlando, Florida.

The Board's Order, filed on March 15, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner had 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 or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on December 8, 2010, by David Mrvica. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 52, of the December 30, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on February 8, 2011, in Orlando, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes,

would be met by granting a variance from paragraph 61J1-4.010(1)(c), 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.

A copy of the Order or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 5, 2011, by Ronald Ortiz. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 3, January 21, 2011, of the Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on February 8, 2011, in Orlando, Florida.

The Board's Order, filed on March 15, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), 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.

A copy of the Order or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 10, 2011, by Jonathan Miles Seither. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 3, January 21, 2011, of the Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on February 8, 2011, in Orlando, Florida.

The Board's Order, filed on March 15, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida

Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner had 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 or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 10, 2011, by Milton William Seither, IV. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 3, January 21, 2011, of the Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on February 8, 2011, in Orlando, Florida.

The Board's Order, filed on March 15, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), F.A.C. The Board further found that Petitioner had 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 or additional information may be obtained by contacting: Juana Watkins, Acting Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection hereby gives notice: An order has been issued granting a variance to Manatee Management, LLC for its Material Recovery Facility in Manatee County, Florida. On January 28, 2011, Petitioner requested a variance from paragraph 62-701.710(7)(a), F.A.C., which requires submittal of proof of financial assurance for closure for a waste processing facility as part of the permit application. Petitioner demonstrated that it would suffer a substantial hardship if it was required to comply with this rule. The variance will allow Petitioner to delay providing financial assurance until the facility is actually constructed. No comments were received from the public in response to the Notice of Receipt that was published in the FAW on February 25, 2011.



A copy of the Order or additional information may be obtained by contacting: Richard Tedder, Department of Environmental Protection, Solid Waste Section, MS #4565, 2400 Blair Stone Road, Tallahassee, FL 32399, (850)245-8735, email: richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN that on February 1, 2011, the Department of Environmental Protection, received a petition for a variance from the Town of Penney Farms, Florida. 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 Town of Penney Farms is requesting that their loan, No. WW781040, repayment be extended from 20 years to 30 years due to substantial hardship. The petition has been assigned File No.: OGC File #11-0219.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pankaj M. Shah, Department of Environmental Protection, Bureau of Water Facilities Funding, MS 3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; (850)245-8372; pankaj.shah@dep.state.fl.us.

Written comments must be received no later than 14 days from the date of publication of this notice.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that on March 15, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Children's Home Society and Jose Aviles, assigned Case No. 11-006W. Subsection 65C-15.017(2), F.A.C., requires agency staff responsible for supervision shall have a bachelor's or master's degree in social work or related area of study from an accredited college or university and at least two years of experience in human services or child welfare programs. Four years of experience in human services or child welfare programs may be substituted.

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 March 16, 2011, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(5)(g), subsection (11), Florida Administrative Code, from Camelot Community Care, Inc. and Edmonde and Nevers Manigat, assigned Case No. 11-007W. Paragraph 65C-13.030(5)(g), F.A.C., requires each children over 36 months of age may not share a bedroom with a child of the opposite sex.

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 March 15, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Chinese Children Adoption Inc., assigned Case No. 11-008W. Subsection 65C-15.010(3), F.A.C. requires a licensed child-placing agency to annually obtain an audit of its financial records.

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 March 17, 2011, the Department of Children and Families, received a petition for waiver of Chapter 65C-33, Florida Administrative Code, from Hillsborough Kids, Inc. assigned Case No. 11-009W. Chapter 65C-33, F.A.C., relates to Child Welfare Pre-Service Training and Phase II of Child Welfare Training for Licensing Counselors.

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 March 21, 2011, the Department of Children and Families, received a petition for waiver of subsection 65C-14.055(4), Florida Administrative Code, from Place of Hope and Chad Vaughan, assigned Case No. 11-010W. 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 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.