

64E-28.010 Fee Schedule.

(1) through (6) No change.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00781 FS. History--New _____.

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (SFWMD) hereby gives notice of issuance of an Order Granting Variance under Section 120.542(2), Florida Statutes (Order 2012-042-DAO-WU), April 2, 2012, to the Okeechobee Utility Authority (OUA), whose service area covers Okeechobee and Glades Counties. The Petition for Variance (Application 110902-1) was received by the SFWMD on September 2, 2011. Notice of receipt of the Petition was published in the Florida Administrative Weekly, Vol. 37, No. 37, September 16, 2011. The particular criterion from which the variance is sought is found at Rules 40E-2.091 and 40E-2.301, F.A.C., and Section 3.2.1.G(4) of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District. This criterion states that allocations of water from the Lake Okeechobee Waterbody for public water supply uses in excess of the project's base condition water use are incompatible with the supply source. The order sets forth the basis of the SFWMD decision to grant the variance, as follows: 1) the variance is necessary to prevent a substantial economic hardship on OUA customers who reside in an area that has been designated a Rural Economic Development Initiative Rural Area of Critical Economic Concern community; and 2) the purpose of the underlying rule has been achieved by other means.

A copy of the Order can be obtained by contacting the Regulation Division during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by e-mail: permits@sfwmd.gov or by accessing the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

NOTICE IS HEREBY GIVEN that on April 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Mayo Stabile North. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump in the hoistway 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 2012-118).

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

NOTICE IS HEREBY GIVEN that on April 11, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code and Section 6-402.11, 2001 FDA Food Code from Al Fresco located in Winter Garden, Florida. 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 14 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: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, email: Lydia.Gonzalez@dbpr.state.fl.us.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 6, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Royal Homestead Condominiums, filed March 12, 2012, and advertised in Vol. 38, No. 12, 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, 2008 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 platform lift not exceed 14 feet 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 2012-082).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on March 22, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code, and subsection 61C-4.010(5), Florida Administrative Code, from Sweet Cravings Ice Cream & Candy located in Port Charlotte, FL. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to share the mop and three-compartment sinks located within Obee's Soup Salad Subs (1801603).

The Petition for this variance was published in Vol. 38, No. 14, April 6, 2012. The Order for this Petition was signed on April 12, 2012, 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 dishwashing and mop sink areas located within Obee's Soup Salad Subs (1801603) are maintained in a clean and sanitary manner, provided with hot and cold running water under pressure, and available during all hours of operation. If the ownership of Obee's Soup Salad Subs (1801603) changes, an updated written agreement must be provided to the division immediately.

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 12, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Tampa Marriott Westshore, filed March 16, 2012, and advertised in Vol. 38, No. 14, 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 31, 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 2012-091).

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

NOTICE IS HEREBY GIVEN that on April 10, 2012, the Construction Industry Licensing Board, received a petition for a permanent waiver or variance of paragraphs 61G4-15.001(2)(a) and (b), F.A.W., filed by Timothy P. Atkinson, Esq. on behalf of Joseph S. Leighton, dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN that on March 28, 2012, the Electrical Contractors' Licensing Board, received a petition for Robert M. Steadman, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 11, 2012, the Board of Dentistry, received a petition for a waiver or variance filed by Lindsey Young, seeking a waiver or variance of the restrictions imposed by Rule 64B5-2.0135 F.A.C., that would prohibit the Board from accepting her clinical examination grades from May, 2010. This rule precludes the Department from accepting the Petitioner's practical examination score from May, 2010.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN that on April 11, 2012, the Board of Dentistry, received a petition for a variance and waiver filed by Edgardo Hernandez, seeking a waiver or variance of Rule 64B5-2.0144, F.A.C., asking that the Board grant his license as a Dental Hygienist based on his prior experience in Columbia as a licensed and practicing dentist and that he only failed the computer simulated Clinical Examination by one (1) point, with a score of 74%. Alternatively, if not granted, Petitioner is requesting the State allow him to retake the computer simulated Clinical Examination without being required to retake the remedial coursework.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Department of Health hereby gives notice that on March 26, 2012, pursuant to Section 120.542, F.S., the Department of Health issued an Order granting a petition for emergency variance from the requirements of paragraph 64E-19.007(6)(e), F.A.C., which prescribes credentialing requirements for persons instructing body piercing courses. The petition filed by Robert Ulery was filed with the Department on February 27, 2012, and noticed in the F.A.W. on March 9, 2012, in Vol. 38, No. 10. No comments were received in response to this petition. The Department determined that the Petitioner was able to demonstrate that the intent of the underlying statute has been achieved by other means and that application of the rule would violate the principals of fairness. Therefore, the petition for permanent variance is GRANTED.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4005.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: May 17, 2012, 6:00 p.m.

PLACE: Mission San Luis, 2100 W Tennessee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss financials, bylaws, letter of agreement and other Friends business.

A copy of the agenda may be obtained by contacting: Cookie Stevens, (850)245-6388.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Cookie.Stevens@dos.myflorida.com.

The Florida **Division of Cultural Affairs** and the **Florida Council on Arts and Culture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, May 24, 2012, 10:00 a.m.

PLACE: Division of Cultural Affairs, R.A. Gray Building, 3rd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: Rachele Ashmore, (850)245-6490, by email: Rachele.Ashmore@DOS.MyFlorida.com or Division's website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Hoelsing, (850)245-6462 or by email: Jennifer.Hoelsing@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).