

THESE NOTICES ARE AN ADDENDUM TO SECTION V OF THE FLORIDA ADMINISTRATIVE WEEKLY, VOLUME 37, NUMBER 2, JANUARY 14, 2011

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on December 22, 2010, the Department of Community Affairs has issued an order.

The Order Denying Waiver was issued in response to a Petition for Waiver filed by William Scotsman, Inc. on September 30, 2010, and advertised in Vol. 36, No. 47, November 24, 2010, edition of the Florida Administrative Weekly. The rule from which a waiver was sought was Rule 9B-1.030, F.A.C. This rule governs responsibility for affixing insignia to existing factory built schools and the conditions therefore. It was assigned the number DCA10-WAI-194. The petition was denied because the relief explicitly requested requires deviation from statutory requirement.

A copy of the Order may be obtained by contacting: Paula P. Ford, Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that on May 28, 2010, the Department of Community Affairs, received a petition for Waiver of paragraph 9B-43.006(3)(b), F.A.C. It was assigned the number DCA10-WAI-116. The rule (which no longer exists) provided penalty points for failure to create jobs under the Florida Small Cities Community Development Block Grant program. Soon after submission, Petitioner verbally notified the Department of its intent to withdraw the petition pursuant to Rule 28-104.002, F.A.C. On June 15, 2010, Petitioner submitted a written withdrawal letter which was deemed legally insufficient. On December 21, 2010, Petitioner submitted a legally sufficient withdrawal letter.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on December 22, 2010, the Agency for Health Care Administration, received a petition for Variance from or Waiver of subsection 59A-7.034(7), Florida Administrative Code, from the Public Health Trust of Miami-Dade County, Florida. The petition requests a variance or waiver of the rule regarding alternate site testing as to interstitial brain fluid rather than whole blood. The specific provision on which the variance or waiver is sought is subsection 59A-7.034(7), Florida Administrative Code. The Petitioner seeks a variance or waiver on a permanent basis.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that on December 27, 2010, the Agency for Workforce Innovation, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by: Early Learning Coalition of Palm Beach County, 2300 High Ridge Road, Suite 115, Boynton Beach, Florida 33426.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC #140, Tallahassee, FL 32399

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on December 23, 2010, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order. The Department received a Petition for a Routine Variance on November 15, 2010 for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Subway @ Lee Memorial Hospital located in Fort Myers. The above referenced F.A.C. addresses the requirements the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to share the three-compartment sink located within Lee Memorial Hospital kitchen.

The initial petition was published in Vol. 36/48 on 12/03/10. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service 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 facility (including handwash sink) located within Lee Memorial Hospital Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and are available during all hours of operation. If the hours of operation or ownership of Lee Memorial Hospital Main Kitchen changes, an updated signed agreement for use of the dishwashing facility is required immediately. A copy of the Order may be obtained by contacting:

Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN that on December 23, 2010, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for an Emergency Variance on November 10, 2010 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 China Broadway located in West Palm Beach. The above referenced F.A.C. addresses the requirements the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathroom facilities with an adjacent laundry establishment under the same ownership.

The Petition was published in Vol. 36/48 on December 3, 2010 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 bathrooms located within the La Raca Coin Laundry are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of La Raca Coin Laundry changes, a signed agreement for use of the bathroom facilities is required immediately.

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

NOTICE IS HEREBY GIVEN that on December 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Presidential Golfview Condo Assoc., Inc. Petitioner seeks a 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 for firefighters' emergency operations and 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 2010-740).

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 December 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Wachovia Bank. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-741).

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 December 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Arie Dam. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2 and 3.10.4(t), 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 platform guards and a keyed stop switch which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-742).

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 December 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Lee Road Building. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this

notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-743).

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 January 4, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Sun King Towers. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2 and 3.10.4(q) and of ASME A17.1, Section 303.3d, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators with restricted door openings, platform guards, normal terminal stopping devices and shut-off valve which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-002).

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 December 20, 2010, the Board of Accountancy, received a petition for Natalia Salnova, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that 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 date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on December 23, 2010, the Department of Health, received a petition for variance from Daniel Hernandez, Esq., representing Infiltrator Systems, Inc. Specifically, the petitioner seeks a variance from paragraphs 64E-6.013(1)(a), (2)(a), (2)(i), (6)(c), and (10)(d), Florida Administrative Code. These rule provisions allow for tanks to be constructed of concrete, fiberglass or polyethylene; tank stiffening members to be a homogenous integral part of the structure; joints, mid-seams, risers and lids to be sealed using a bonding compound that meets ASTM C 990-96; polyethylene receptacles to meet IATMO PS 1-93, Paragraph 5.4, regarding wall, top, bottom and cover thickness; and tanks with seams below the outlet invert to be watertightness tested per ASTM C 1227-98 after installation in the field.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN that on December 21, 2010, the Department of Health, received a petition for Variance from Briarwood Estates Family Community, a Mobile Home Park located in Polk County. The Petition requests relief from the Water Supply requirements of subsection 64E-15.003(1) and the Sewage Disposal requirements of subsection 64E-15.004(1), F.A.C. The Briarwood Estates Family Community is located at 5310 Deeson Road., Lakeland, FL 32937. 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.
