

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 4, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from New Sabor, Inc. located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved May 31, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source

with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on April 18, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from #1 Wok Chinese Restaurant located in Estero. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for eighteen (18).

This variance request was approved May 30, 2006, and is contingent upon Petitioner ensuring the public restroom inside Comfort Inn is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty (20) which includes inside and any outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on April 18, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from Amici's Pizza II located in New Port Richey. They are requesting a variance to not have accessible bathroom facilities within the establishment but use an adjacent establishment's bathroom facilities.

This variance request was approved May 30, 2006, and is contingent upon Petitioner ensuring the public restrooms in Publix have running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Petitioner shall ensure directional signage is installed within the establishment clearly stating the location of the restrooms from the facility. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to

disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Sanibel Toll Plaza in Fort Myers, FL (VW 2006-122). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding St. Johns River Community College – Fine Arts in Palatka, FL (VW 2006-121). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Staybridge Suites in Tallahassee, FL (VW 2006-120). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Ventian Bay Town Center Building 1 in New Smyrna Beach, FL (VW 2006-119). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Mirasol Condo II in Miromar Lakes, FL (VW 2006-118). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Metropolitan Parking Garage in Jacksonville, FL (VW 2006-117). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 20, by Steve Powell of KONE, Inc. regarding Villa Lago in Boynton Beach, FL (VW 2006-116). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed March 13, 2006 and advertised in the F.A.W. Vol. 32, No. 15, by Steve Powell of KONE, Inc. regarding Elks Lodge #497 in Pensacola Beach, FL (VW 2006-069). The variance granted a waiver from Rule 2.15.9.2 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a 48 inch toe guard. The petition was granted as the petitioner demonstrated that the building was started under the previous code and the pit was not deep enough to accommodate the deeper guard. The guard will meet the previous code with respect to the toe guard.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 12, 2006, it Issued an Order Granting Variance Request in response to a petition filed March 13, 2006 and advertised in the F.A.W. Vol. 32, No. 15, by Steve Powell of KONE, Inc. regarding Southern Resorts in Destin, FL (VW 2006-070). The variance granted a waiver from Rule 2.15.9.2 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a 48 inch toe guard. The petition was granted as the petitioner demonstrated that the building was started under the previous code and the pit was not deep enough to accommodate the deeper guard. The guard will meet the previous code with respect to the toe guard.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it Issued an Order Granting Variance Request on June 7, 2006 in response to a petition filed on March 13, 2006, by David Batelaan of Action Mobility Products and Services, Inc. regarding the New Bethal Missionary Baptist Church in West Palm Beach (VW 2006-068). The petition sought a waiver from Rule 2.6.5, ASME A18.1, 1999 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code and requested to have a platform surface area of 22 square feet. The petition was granted because the petitioner provided documentation that the unit has sufficient capacity to accommodate the additional area safely.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 7, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on May 10, 2006, (as advertised in the F.A.W. Vol. 32, No. 23) by Jennifer Kearney of Florida Lifts, Inc. regarding Tom Bush BMW Dealership in Jacksonville (VW 2006-139), seeking a waiver from Rule 2000.7a of ASME A18.1, 1999 Edition as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift with travel distance of 13 feet. The variance was granted as the petitioner demonstrated that the unit was designed to safely travel up to 14 feet safely.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on June 12, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2.7.4.1, A.S.M.E. 17.1, 2000, as adopted by Chapter 3001.2, 2004 Florida Building Code, requiring 7 foot clearance in the machine room. The petition was received from Lee Rigby of Vertical Assessments, for the following location: Embassy Suites Hotel in Estero (Petition VW 2006-155).

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

The Bureau of Elevator Safety 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.

NOTICE IS HEREBY GIVEN that on April 24, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Cruisin Cafe Catering of Sarasota. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved June 13, 2006, for both vehicles, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on May 9, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from the LarryQ BBQ located in Deerfield Beach. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly

designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for thirty (30).

This variance request was approved June 13, 2006, and is contingent upon Petitioner ensuring the public restroom inside LarryQ BBQ is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed thirty (30) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

The Florida Real Estate Commission hereby gives notice that it has issued an Order on the Petition for Declaratory Statement that was filed on February 22, 2006, by Thomas A. Jimenez, Jr. The Notice of Petition for Declaratory Statement was published in Vol. 32, No. 13, of the Florida Administrative Weekly. Petitioner inquired as to whether a flat fee for certain broker services would be considered an advance fee under Section 475.452, F.S., subject to the requirements that it be held in trust and accounted for monthly. The Commission considered the Petition at its meeting held on April 18, 2006, in Orlando, Florida. The Commission's Order, filed on May 22, 2006, denied the Petition for Declaratory Statement concluding that a flat fee collected for services is considered to be an advance fee subject to the requirements in Section 475.452(1), Florida Statutes.

A copy of the Commission's Order may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on June 8, 2006, on behalf of George A. Rincon, M.D., seeking a variance or waiver from subsection 64B8-2.001(2), F.A.C., with regard to the requirement that the passing score on the FLEX be obtained in one complete sitting. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Optometry hereby gives notice that it has received a Petition for Variance or Waiver filed on June 5, 2006 on behalf of Tracy Ngo, O.D. Petitioner seeks a variance under the provisions of Section 120.542, F.S. Specifically, based on substantial hardships detailed and explained in the Petition, the Petitioner requests that the Board waive the requirements applicable to her obtaining a Florida licensure by being allowed to take the July, 2006, Florida Board Examination and the August 25, 2006, TMOD examination offered by the NBEO and that she be granted licensure upon successful passage of both examinations.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 14, 2006, 9:00 a.m.

PLACE: City Council Chambers, Venice City Hall, 401 West Venice Avenue, Venice, Florida 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to review Florida National Register Nomination Proposals.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn.: Survey and Registration Section, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling (800)847-7278. Some Panelists may participate by telephone conference call.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities who wish to arrange special accommodations should contact Jennifer Blake Patnode, ADA Coordinator, Bureau of Historic Preservation, (800)847-7278 or by fax (850)245-6437.

The **Department of State, Division of Historical Resources**, Bureau of Historic Preservation announces a public meeting to which all persons are invited.

FOLKLIFE APPRENTICESHIP ADVISORY COMMITTEE MEETING

DATE AND TIME: Friday, July 7, 2006, 12:00 Noon – 5:00 p.m.

PLACE: Bayfront Park, 301 N. Biscayne Blvd., Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business and Review of Apprenticeship Advisory Committee recommendations for the 2006-2007 Florida Folklife Apprenticeship Program.

A copy of the agenda may be accessed by contacting: Tina Bucuvalas, Florida Folklife Program, Bureau of Historic Preservation, 500 S. Bronough St., Tallahassee, FL 32399-0250, (850)245-6333 or email: tbucuvalas@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Historical Resources will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division by the 30th day of June, 2006, if you need an accommodation. Please contact Tina Bucuvalas, (850)245-6333, or email: tbucuvalas@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold telephone calls during the week of June 26, 2006, to which all persons are invited.

Public Outreach Task Force Committee

DATE AND TIME: June 28, 2006, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If you need an accommodation because of disability in order to participate, please notify FCSW at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services, Division of Aquaculture** announces a conference call of the Clam Industry Task Force. Other parties interested in participating should call Rachele Coleman prior to the meeting at (850)488-4033, for instruction.