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Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 2-5-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 5, 2010

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

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### Section V

## Petitions and Dispositions Regarding Rule Variance or Waiver

#### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of Rule 11B-35.0024, F.A.C., was received from Santa Fe Community College, on December 21, 2009. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 1, January 8, 2010. Santa Fe Community College (hereafter Petitioner) petitioned to waive the requirement in the rule that all aspects of the CJSTC-6 CMS form be completed. The Petitioner requested a permanent waiver to cover all Defensive Tactics courses taught from May 20, 2005 to September 22, 2009. The Petitioner stated that its instructors met all the requirements for correctly teaching the defensive tactics courses at issue, but failed to completely fill in all aspects of the CJSTC-6 CMS forms for courses taught during the time in question.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of the failure to complete the CJSTC-6 CMS forms. The Commission found that the purposes of the underlying statute, to ensure that criminal justice training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of a clerical, as opposed to tactical training, requirement. Accordingly, the Commission granted Petitioner's request for a waiver of Rule 11B-35.0024, F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

Seminole State College of Florida (hereafter Petitioner) petitioned for a permanent waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C. The rule requires that students in Florida Basic Recruit Training Courses requiring demonstration of proficiencies in firearms to shoot a B-21E target or equivalent in order to successfully complete the firearms component of training. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 4, January 29, 2010. Petitioner wished to waive the requirement in the rule requiring a B-21E target or equivalent. The Petitioner's firearms range did not use the B-21E, but did use targets that were marketed by PRIDE as equivalent to the B-21E. Those targets were determined by Commission staff not to be equivalent to the B-21E target. Petitioner wished to waive this rule and have the PRIDE targets that were used by Petitioner until November 9, 2009, deemed to be equivalent to the B-21E target for purposes of this rule section. Petitioner argued that any differences between the targets are minimal and that no officer who qualified on the PRIDE targets was given any advantage by reason of so doing.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of using the PRIDE targets. The Commission found that the purposes of the underlying statute, to ensure that criminal justice high liability firearms training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of the target number requirement. Accordingly, the Commission granted Petitioner's request for a waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the South Florida Water Management District (District), received a petition for waiver from AT&T Florida, Application No.: 09-1217-2, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, to allow for installation of temporary poles on the north and south rights of way of C-51 while Palm Beach County is widening the bridge at State Road 7 and State Road 80, Sections 1 and 36, Township 43, 44 South and Range 41, 42 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the use of the District's Right of Way for placement of above-ground permanent and/or semi-permanent facilities within 40 feet from top of bank within Works or Lands of the District and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of above-ground facilities within 100 feet upstream and downstream of pile supported crossings.

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](mailto: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.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the features requested are not required under the new rules for elevators traveling 25 feet or less, as submitted by BJ Savard-Boyer, Wiggins Pass West Condo. Assoc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-682).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to James M. Chadwick, MLF Towers, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-700).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Newton, SunSear Condominium, St. Pete Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-701).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Melvin Van Dyke, Vantage Pointe Condominiums, Daytona Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-704 & 720).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Thomas P. Reardon, Brynwood Condominium I Assoc., Inc., Palm Harbor, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-705).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Cynthia J. Soderlund, Esq., Glades Tower Condo Assoc., Inc., Boca Raton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 30, 2010 (VW 2009-709).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Judy Butterfield, North Shore Normandy Assoc., Inc., St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-710).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Steven Froot, 218 Royal Palm Way, Palm Beach, FL, to not comply with Rules 3.11.3 and 3.10.3, ASME A17.3, 1996 edition until December 31, 2012 (VW 2009-712).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Fred Arce, The Prince of Marco Island, Marco Island, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 10, 2010 (VW 2009-713).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Gerald T. Panagrossi, Cove Cay Village IV, Clearwater, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until June 1, 2014 (VW 2009-714).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Carolyn F. Stringer, DEP Florida Geological Survey, Tallahassee, FL, to

not comply with Rules 3.11.3, 3.10.4(t), 3.3.2, 3.10.3 and 3.4.4(a)(1), ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-716).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a permanent variance to Carolyn F. Stringer, DEP Florida Geological Survey, Tallahassee, FL, to not comply with Rule 2.3.1(a), ASME A17.3, 1996 edition (VW 2009-717).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Anita A. Danna, Port Belleair #4, Largo, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 30, 2010 (VW 2009-721).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mrs. C. Turner, Aliki Atrium Condominium, Ormond Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-725).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has requested a variance of statute, which the agency has no statutory authority to grant, as submitted by Christopher Lutton, Bok Tower Gardens and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-731).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Alex Cohen, Bermuda Cay Condominium Assoc., Inc., Boynton Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-794).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Alice L. Levin, Sandcastle Condominium, Jacksonville Beach, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until November 15, 2010 (VW 2009-795).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a permanent variance to Paul Komie, Ocean Parks Condo Assoc., Inc., Jupiter, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 (VW 2009-826).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Weronika Giadla, Ritz Resort Motel, Clearwater Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW 2009-831).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has met its burden as the requested completion date has already

passed, as submitted by Lee Rigby, Embarq and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-833).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, Intrepid Condo Assoc., St. Pete Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until July 1, 2011 (VW 2009-834).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, Weatherly Condo Assoc., St. Pete Beach, FL, to not comply with Rules 3.11.3, 2.7.4 and 3.10.4(t), ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-835).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Sherry K. Clifton, Oceanside Inn Beach Resort Condo Assoc., Inc., Daytona Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 15, 2015 (VW 2010-002).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Stan Shull, Land Trust Riverside, Cocoa, FL, to not comply with Rule 8.6.5.8, ASME A17.1, 2004 edition until May 1, 2010 (VW 2010-003).

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 February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Grace Denton, Veranda Beach Club, Longboat Key, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2011 (VW 2010-004).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Maggie M. Schultz, Esq., St. Petersburg Kennel Club, Inc., St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2010-006).

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 on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mark Stitch, World Center Marriott, Orlando, FL, to not comply with Rules 3.11.3, 3.10.4(t), 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until January 1, 2013 (VW 2010-007).

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 February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to James Frampton, Florida Rock Industries, Inc., Jacksonville, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW 2010-019).

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 January 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, SFCC Auditorium, Avon Park, FL, requests the

variance for installation requirements for two traction elevators. The petition was received from Lee Rigby, Agent (VW 2010-033).

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 January 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Health Sciences Bldg., St. Augustine, FL, requests the variance for installation requirements for one traction two-landing elevator. The petition was received from Lee Rigby, Agent (VW 2010-034).

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 January 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from 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), F.A.C. The petitioner, 300 West Adams Building, Jacksonville, FL, and location of the Serial Number 497-98, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Rich Trendel, Property Manager (VW 2010-035).

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 January 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency permanent variance from 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), F.A.C. The petitioner, Village at Secret Lake, Kissimmee, FL, and location of the Serial Number 97596-601 and 97613-36, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2010-036).

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 January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from an unspecified Section of A18.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, St. Johns County Courthouse, St. Augustine, FL, requests the variance for installation of three wheelchair lifts. The petition was received from Don Birdsall, Agent (VW 2010-037).

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

NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 2.7.4, 3.10.4(t), 3.11.1(a)(2), and 3.3.2, and from A17.1, Section 204.7(a), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Imperial Park Condo, Inc., Clearwater, FL, and location of the Serial Number 9108, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sheron Nichols, CAM (VW 2010-038).

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

NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Beau Monde, St. Pete Beach, FL, and location of the Serial Number 10018-19, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Marilyn Ward, President (VW 2010-039).

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

NOTICE IS HEREBY GIVEN THAT on January 28, 2010, 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 January 14, 2010 for subsection 61C-4.010(7) and paragraph 61C-1.004(2)(a), Florida Administrative Code, from Cold Stone Creamery, Orlando, FL. The above referenced F.A.C. addresses the requirement that at least one accessible

bathroom be provided for use by customers. They are requesting to utilize bathrooms located on the same level over 300 feet away for customers.

The variance request was published in Vol. 36, No. 05, February 5, 2010 and approval is contingent upon the petitioner ensuring the bathrooms located within the Florida Mall food court are maintained in a clean and sanitary manner and are available during all hours of operation; and install directional signage in the establishment clearly stating the location of the bathrooms.

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 January 28, 2010, 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 January 11, 2010 for Section 509.221(1)(b), Florida Statutes, Paragraph 4-301.12(A), 2001 FDA Food Code, paragraph 61C-1.004(1)(d), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, subsections 61C-4.010(5), and 61C-1.004(1), Florida Administrative Code, from Crepe Royale, Orlando, FL. The above referenced F.A.C. addresses the requirements that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils; discharge sewage into an approved collection system; and install an approved plumbing system. They are requesting to install potable and waste water holding tanks and share warewashing and mop wash facilities with another licensed public food service within the same enclosed building.

The variance request was published in Vol. 36, No. 04, January 29, 2010 and approval is contingent upon the petitioner ensuring the dishwashing facility and mop sink located within Orlando FoodService Partners-Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. The waste water holding tanks must be emptied at a frequency as to not create a sanitary nuisance; and the potable water provided must come from an approved source and be protected from contamination during handling. The petitioner shall only operate within the enclosed building of the arena. If the owner of Orlando FoodService Partners-Main Kitchen changes, an updated signed agreement for use of the dishwashing and mop sink 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 February 3, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Amway Center (Sky and Ozone Bar), Orlando, FL. The above referenced F.A.C. addresses the requirement to discharge water or wastewater into an approved plumbing system installed according to law. They are requesting to install potable and waste water holding tanks at the hand wash sinks in two portable bars.

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

NOTICE IS HEREBY GIVEN THAT on January 8, 2010, the Board of Veterinary Medicine, received a petition for Edwin A. Bayo, Esquire, on behalf of Rita Montano, seeking a variance or waiver of subsection 61G18-11.002(4), Florida Administrative Code, which requires that the candidate for licensure must receive a passing score on each portion of the examination based on the laws and rules in effect at the time of application.

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

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

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Florida Department of Environmental Protection has issued an order.

On January 26, 2010, 7-Eleven, Inc. operating at 8338 Narcoossee Road, Orlando, Florida withdrew its petition for temporary variance of the requirements of subsection 62-761.510(5), Florida Administrative Code, to allow operation of the facility past the upgrade deadline of December 31, 2009, until local permits were issued. No variance/waiver order was issued. Petition was received on December 2, 2009, and was assigned OGC Case #09-4010. The notice of receipt of the petition was published in the December 18, 2009, Florida Administrative Weekly. No comments were received.

A copy of the Order may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: john.svec@dep.state.fl.us, for a copy of anything in this file.

NOTICE IS HEREBY GIVEN THAT on January 28, 2010, the Department of Environmental Protection, received a petition for a variance from Hillsborough County regarding the Southeast County Landfill Waste Tire Processing Facility. The County is seeking a variance from the requirements of paragraph 62-711.530(2)(a), F.A.C., which limits the total number of waste tires that may be stored on-site.

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

NOTICE IS HEREBY GIVEN THAT on January 27, 2010, the Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice that a variance, OGC File No.: 09-3766, has been granted to Ms. Rebecca Matthey, Director of Utilities, 1900 2nd Avenue, North, City of Lake Worth, Florida 33461, from the prohibition of construction of Class I, underground injection control wells within a five hundred foot radial setback distance around a public drinking water supply well as referenced in subsection 62-521.200(7), and paragraph 62-521.400(1)(f), F.A.C. The project is located at the Lake Worth Water Treatment Plant, 300 College Street, Lake Worth, Florida. The applicant has demonstrated that a substantial hardship will be incurred if the variance were not granted. Ground water sampling will be conducted during injection well construction to monitor any changes in ground water quality. The petition was received on October 26, 2009, and notice of receipt was published in the Florida Administrative Weekly on November 20, 2009.

A copy of the Order may be obtained by contacting: George Heuler at (850)245-8657.

NOTICE IS HEREBY GIVEN THAT on January 8, 2010, the Department of Health has issued an order.

The Department determines that it is appropriate to grant Petitioner's request for a determination of emergency and temporary waiver of subsection 64B-1.003(9), F.A.C., and to allow Petitioner's employee CDR candidate Joni Deanne Keams, to re-take the CDR examination one time prior to January 15, 2010.

A copy of the Order may be obtained by contacting: Ferronda Burke, Regulatory Program Administrator, Department of Health, 4052 Bald Cypress Way, Bin #C90, Tallahassee, FL 32399-1703.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Board of Acupuncture, received a petition for permanent waiver of subsection 64B1-6.005(2), F.A.C., from Andrew Gaeddert, with respect to Continuing Education Classes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the below address, or at telephone number (850)245-4161. Comments on this petition should be filed with the Board of Acupuncture, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on December 15, 2009, the Department of Children and Families, received a petition for waiver of subparagraph 65C-13.030(5)(j)3., Florida Administrative Code, from Hillsborough Kids, Inc., and Michael and Patricia Miller, assigned Case No.: 09-041W. subparagraph 65C-13.030(5)(j)3., F.A.C., which provides that a caregiver in a licensed foster home may not have a DUI-related driving offense within the past five years.

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.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 9, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental