

DATE AND TIME: November 15, 2010, 2:00 p.m.
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule was originally published in the August 20, 2010 (Vol. 36, No. 35) issue of the Florida Administrative Weekly. A hearing on this rule was held on July 30, 2010. A draft copy of the proposed changes to this rule can be obtained from the Department's website: http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice_69B-210_Induce_Ti tle.pdf.

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 5 days before the workshop/meeting by contacting: Lorna Noren at (850)413-5634 or Lorna.Noren@MyFloridaCFO.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). 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).

Section IV Emergency Rules

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."

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

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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Embassy Suites, filed July 28, 2010, and advertised in Vol. 36, No. 33, 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 August 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-490).

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 October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from City of Jacksonville, filed August 4, 2010, and advertised in Vol. 36, No. 34, 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 2.14.1.4 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that does not allow a lockable steel openwork mesh divider in each elevator car to create two compartments 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 2010-509).

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 October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Thorsen Bldg., filed August 13, 2010, and advertised in Vol. 36, No. 36 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996

edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or given a date that the demolition of the elevator would take place (VW 2010-532).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Silver Sands Condo, filed September 13, 2010, and advertised in Vol. 36, No. 40, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 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 restricted door openings until September 30, 2011, 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 2010-579).

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 October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Oak Hill Hospital, filed September 13, 2010, and advertised in Vol. 36, No. 40, 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 May 1, 2011, 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 2010-580).

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 October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Pineda Ocean Club. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.3.2 and of ASME A17.1, Section 303.3d and 304.2c, 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 platform guards, manual shut-off valve and means to check hydraulic oil level 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 2010-627).

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 October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Colonial Square Properties, LLC. 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 2010-628).

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 October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Beach Walker Condos. 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 2010-629).

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 October 14, 2010, 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(1)(a), Florida Administrative Code, and 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 Subway, Kissimmee, FL. The above referenced F.A.C. addresses the requirements 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 utilize a mopsink and dishwashing facility located within another establishment.

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 October 18, 2010, the Board of Architecture and Interior Design has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on June 4, 2010, by Michael R. Fernandez. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 26, of the July 2, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61G1-13.0021, F.A.C., entitled "Intern Development Program," which requires that applicants follow the Intern Development Program through the Nation Council of Architectural Registration Boards in order to satisfy the requirements of Section 481.211, F.S. The Board considered the instant Petition at a duly-noticed public meeting, held August 17, 2010, in Ponte Vedra, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 481.211, Florida Statutes, would be met by granting a variance or waiver from Rule 61G1-13.0021, F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose a substantial hardship.

A copy of the Order may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on July 19, 2010, by Laura Ballenger. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 31, of the August 6, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.0041(1)(b) and subsection (2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The Board considered the instant Petition at a duly-noticed public meeting, held August 27, 2010, in Tampa, Florida.

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

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

NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on May 14, 2010, by Patrick Callen. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-28.0052(2), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules," which requires the initial licensure fees and all required documents be received within 36 months of the date of certification of examination scores by the Board or the initial license will not be issued. The Board considered the instant Petition at a duly-noticed public meeting held on August 27, 2010, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.308, Florida Statutes, would be met by granting a variance from subsection 61H1-28.0052(2), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on May 10, 2010, by Coretta James. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on June 30, 2010, in Tampa, Florida.

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

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

NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 20, 2010, by Baby Varkey. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.001(5)(a), F.A.C., entitled "College or University Requirements," which lists the requirements for an applicant for licensure who holds a degree from a college that is not accredited. Petitioner also sought a waiver or variance of subsection 61H1-27.002(2), F.A.C., entitled, "Concentrations in Accounting and Business," which requires that an applicant shall have completed "36 or 54 quarter hours in accounting education at the upper division level which shall include not less than the equivalent of 6

semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts." The Board considered the instant Petition at a duly-noticed public meeting, held June 30, 2010, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.001(5)(a) and subsection 61H1-27.002(2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

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

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 October 14, 2010, the Florida Department of Environmental Protection has issued an order.

On June 29, 2010, the Department received a petition for variance or waiver under Section 120.542, F.S., from MB Development, Inc. The Petition requested a variance from or waiver of certain provisions in Rule 62B-33.024, Florida Administrative Code, as those provisions apply to calculating the thirty year erosion projection. Notice of receipt of this petition was published in the Florida Administrative Weekly on July 16, 2010. No public comment was received. On October 11, 2010, the Petitioner withdrew its petition for variance or waiver, and an order closing file was issued on October 14, 2010.

A copy of the Order may be obtained by contacting: N. West Gregory, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, email: west.gregory@dep.state.fl.us.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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