

**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."

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on January 13, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C., by Seminole State College of Florida. The rule requires that students in Florida Basic Recruit Training Courses requiring demonstration of proficiencies to shoot a B-21E target or equivalent in order to successfully complete the firearms component of training. 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 wishes to waive this rule and have the PRIDE targets that were used by SCC until November 9, 2009, deemed to be equivalent to the B-21E target for purposes of this rule section. Petitioner argues 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

**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."

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on January 12, 2010, the Suwannee River Water Management District has issued an order.

This Order granted variance under Section 120.542, F.S., to Advent Christian Village, Inc., P. O. Box 4329, Dowling Park, Florida 32064, for reconstruction of a retaining wall and replacement and removal of a stormwater system (ERP09-0159). The petition for variance was received by

SRWMD on August 17, 2009. Notice of receipt of petition requesting variance was published in F.A.W., Vol. 35, No. 34, August 28, 2009. No public comment has been received. This Order provides a variance from SRWMD criteria for subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification requirement and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement, within Township 3 South, Range 11 East, Section 5, Suwannee County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the St. Johns River Water Management District, received a petition for variance from Malabar Development, LLC, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-16558-11. The permit applicant is proposing to construct a stormwater system to serve a commercial subdivision consisting of 8 lots and a two-lane paved access roadway, as well as expand the existing surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system, for a surface water management system known as Malabar Development, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed: Sandra Bertram, Acting District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2009-89.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gail Hankinson, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177, (386)329-4391.

NOTICE IS HEREBY GIVEN THAT on October 29, 2009, the Governing Board of the District has issued an order.

The District received a Petition from the City of Tampa on September 14, 2009, for a variance from District sub-subparagraphs 40D-80.073(4)(b)3.a. and 40D-80.073(4)(b)3.b., Florida Administrative Code. Notice of the variance request was published in Vol. 35, No. 38, September 25, 2009. The rules require the City to complete certain Sulphur Spring weir modifications by October 1, 2009, and October 1, 2010, as part of the recovery strategy for the Lower Hillsborough River Minimum Flow. The City requested that the dates be extended to October 1, 2010 and October 1, 2011. The Order granted the variance based on that a one year extension of the weir modification deadlines will not affect the City's recovery strategy obligation nor the ultimate deadlines to meet the minimum flows for Sulphur Springs and the Lower Hillsborough River.

A copy of the Order may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on December 16, 2009, the Agency for Health Care Administration, received a petition for "Request for Waiver from Rule" from K.A.P. by and through R.P., which is treated as Petition for Waiver from Rule 59G-13.083, Florida Administrative Code. ("Petition"). Rule 59G-13.083, Florida Administrative Code, entitled Developmental Disabilities Waiver Services, governs all developmental disabilities waiver services providers enrolled in the Florida Medicaid program, and incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007 ("Handbook"). K.A.P. seeks a permanent waiver from the portion of the Handbook that requires that Private Duty Nursing Services be provided in the recipient's own home or family home.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station 3, Tallahassee, Florida 32308. Written comments on the Petition may be submitted to the Agency Clerk at the address above within fourteen (14) days after publication of this notice.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on December 31, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an

unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Everglades Condominiums, North Palm Beach, FL, and location of the Serial Number 29151, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bill Swain, Property Manager (VW 2009-830).

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

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NOTICE IS HEREBY GIVEN THAT on January 12, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Brat Cart 1, Jacksonville, FL. The above referenced F.A.C. addresses the requirements that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

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.

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NOTICE IS HEREBY GIVEN THAT on January 12, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Brat Cart 2, Jacksonville, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

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.

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NOTICE IS HEREBY GIVEN THAT on January 6, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on December 21, 2009 for a Routine variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from the Broasted Chicken Shack, Jacksonville, 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 within another establishment located within 300 feet.

The variance request was published in Vol. 36, No. 1, January 8, 2010, and approval is contingent upon the petitioner ensuring the bathrooms located within Cinema 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 Cinema Laundry changes, an updated 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.

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NOTICE IS HEREBY GIVEN THAT on January 6, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on December 14, 2009 for a Routine Variance for subsections 61C-4.010(6), (7), Florida Administrative Code from Chef George, Davie, 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 within another business located within 50 feet.

The variance request was published on Vol. 35, No. 32, December 31, 2009, and approval is contingent upon the petitioner ensuring the bathrooms located within Moda Hair Design and Spa 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 Moda Hair Design and Spa changes, an updated 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.

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NOTICE IS HEREBY GIVEN THAT on January 11, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance 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.

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.

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NOTICE IS HEREBY GIVEN THAT on January 12, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code; Paragraph 6-501.115(A), 2001 Food Code from Reggae J's, Panama City Beach, FL. The above referenced F.A.C. addresses the requirements that live animals are not be allowed on the premises of a public food service establishment under the described conditions. They are requesting to have two live, caged birds (Macaws) in the 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.

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The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on January 19, 2010, by Timothy P. Atkinson, Esq., on behalf of Ronald Aaron Mattis, Jr., seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official.

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

For a copy of the petition, contact: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

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NOTICE IS HEREBY GIVEN THAT on January 5, 2010, the Electrical Contractors' Licensing Board, received a petition for Britt Knight, seeking a variance or waiver of subsection 61G6-5.002(1), Florida Administrative Code, which requires that an applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data including information required to be submitted under Rules 61G6-5.003 and 61G6-5.004, F.A.C., if applicable. Petitioner is also seeking a variance or waiver of subsection 61G6-5.002(3), F.A.C., which requires that the initial Business Computer-Based Test portion

may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety Examination.

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

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on January 14, 2010, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on October 19, 2009, by Richard H. Bachelder, representing Advanced Drainage Systems/Hancor, regarding the "ARC 18 and ARC 36 Chambers". Petitioner sought a variance from subsection 64E-6.009(7), Florida Administrative Code, which requires requests for alternative system component and design approval to include empirical data showing results of innovative system testing in the State of Florida. Notice of the petition was published in the November 6, 2009, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order 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.

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#### FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 17, 2009, the Office of Insurance Regulation has issued an order.

A petition for a variance was filed on November 9, 2009, by Monumental Life Insurance Company for an extension of the variance granted by order on February 15, 2008. The petition was published in the F.A.W. on December 4, 2009, Vol. 35, No. 48. The variance is from Rule 69O-125.003, F.A.C., which makes it unlawful to discriminate against travelers to other

countries in the issuance of life insurance. The petition asks for an extension of a variance that had been granted for travel to Afghanistan and Iraq. An earlier order granted such a variance for a period of two years. Because the conditions in these two countries have not changed in the intervening two years, as it relates to travel to them, and because applicable requirements in Section 120.542, F.S., have been met, this new order extends the original order for two additional years.

A copy of the Order may be obtained by contacting: Debra.seymour@flor.com.

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Seed Technical Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2010, 9:30 a.m. – 12:00 Noon

PLACE: Florida Farm Bureau Federation, 5700 Southwest 34th Street, Auditorium, Second Floor, Gainesville, Florida 32608-5330, (352)378-8100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relevant to the Florida Seed Regulatory Program.

For more information, you may contact: Mr. George Hayslip, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, (850)487-3863, hayslig@doacs.state.fl.us.

The **Florida Viticulture Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 10, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: Rollins College, Room TBA, 1000 Holt Avenue, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report on viticulture trust fund, election of officers, committee reports, review of Marketing Study project.

For more information contact: Tom Thomas at (850)922-9827.

A copy of the agenda may be obtained by contacting: Tom Thomas at (850)922-9827.

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 10 days before the workshop/meeting. 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).