

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

WATER MANAGEMENT DISTRICTS

The **South Florida Water Management District** hereby gives notice that the South Florida Water Management District (District) issued an Order Granting Variance under Sections 120.542, 373.083, and 373.62, Florida Statutes, and Chapter 40E-24, Florida Administrative Code (Order 2011-014-DAO-WU), dated February 10, 2011, to the City of Port St. Lucie, located in St. Lucie County. The Petition for Variance (Application 101006-15) was received by the District on October 6, 2010. Notice of receipt of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 42, on October 22, 2010. This Order provides a variance for the City of Port St. Lucie. Specifically, the Order grants a variance from paragraph 40E-24.201(7)(a), F.A.C., requiring landscape irrigation on specific days of the week for properties identified in Exhibits "B" and "C" of the Order. Generally, the order sets forth the basis of the Governing Board decision to grant the variance, as follows: 1) Pursuant to Section 373.62(7), Fla. Stat., the Legislature authorized the granting of a variance from day of the week irrigation restrictions to those entities utilizing smart irrigation systems that have soil moisture sensors with remote monitoring and adjustment capabilities. Port St. Lucie has demonstrated that the irrigation system it employs at the properties identified in Exhibits "B" and "C" of the Order meet the requirements of Section 373.62(7), Fla. Stat.; and 2) It would be a substantial hardship to force a sophisticated computer-controlled irrigation system with remote monitoring and soil moisture sensors such as the one employed by Port St. Lucie to conform to day-of-the-week irrigation restrictions and result in the loss of Port St. Lucie's investment in the system.

A copy of the Order or additional information may be obtained by contacting:

A copy of the Order can be obtained by contacting the Water Resource Regulation Department, during the normal business hours of 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone at (561)682-6911; by e-mail at

permits@sfwmd.gov; or, by accessing the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 9, 2011 the Division issued an order. That Final Order was in response to a Petition for Variance from Bank of America Centre, filed December 21, 2010, and advertised in Vol. 37, No. 1 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 2.7.4 and 3.3.2, ASME A17.3, 1996 edition and from Rule 8.11.1.6, ASME A17.1, 2000 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, platform guards and test tags because the Petitioner has not demonstrated that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-735).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 9, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Call-Collins House at the Grove, filed December 27, 2010, and advertised in Vol 37, No 1, 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 3.4.7 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 would allow a reduced overhead of 31 inches 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 2010-738).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 9, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Wachovia Bank

Bldg., filed December 27, 2010, and advertised in Vol 37, No 2, 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 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 2010-741).

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 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 9, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Mediterranean Manors, filed January 1, 2011, and advertised in Vol 37, No 4, 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 8.6.5.8 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 requires of a safety bulkhead on the bottom of the hydraulic jack until January 1, 2014 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 2011-012).

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 February 10, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Airport Control Tower. Petitioner seeks an emergency variance of the requirements of ASME 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), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and a metallic sheave which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-051).

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 February 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Load King. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with top of car operating devices which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-052).

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 February 14, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for 100 East Granada. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.10.4(t) and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with keyed stop switch and two-way communication 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 2011-053).

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 February 14, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for 100 East Granada. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.10.4(t) and 3.11.1(a)(2) and of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with keyed stop switch, two-way communication and single bottom jack 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 2011-054).

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

NOTICE IS HEREBY GIVEN that on January 18, 2011, the Board of Accountancy, received a petition for April DiSegna, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

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

NOTICE IS HEREBY GIVEN that on February 7, 2011, the Florida Real Estate Appraisal Board, received a petition for Carlos R. Alvarez, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser has been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on February 1, 2011, the Florida Real Estate Appraisal Board, received a petition for Thomas A. Ciserano, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on January 28, 2011, the Department of Environmental Protection, received a petition for variance from Manatee Management, LLC, the holder of a permit to construct and operate a materials recovery facility in Manatee County, Florida. The Petitioner requests a variance from paragraph 62-701.710(7)(a), F.A.C., which requires that waste processing facilities provide proof of financial assurance for closure, and proposes that such proof should be deferred until the facility is actually built. Any interested person or other agency may submit written comments on the petition with 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Tedder, Program Administrator, Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, email: richard.tedder@dep.state.fl.us, (850)245-8735.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on February 15, 2011, the Florida Housing Finance Corporation, received a petition for Waiver of Rule 67ER06-34(19), which provides "All set-aside units shall be RRLP Rent-Restricted Units. A unit set aside at a particular income and rent level must house a tenant who satisfies the income requirement. Additionally, Section 8 voucher holders may not be used to satisfy the ELI Set-Aside requirement, unless those households' vouchers are paying rents only up to the ELI rent level" from Friendship Tower, LTD. The petition is seeking a waiver of the last sentence of the rule pertaining to the Section 8 holders may not be used to satisfy the ELI Set-Aside requirement, unless those households' vouchers are paying rents only up to the ELI rent level.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing 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., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

The Florida Housing Finance Corporation hereby gives notice: of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: LIVE OAK MEADOWS, LP
DATE PETITION WAS FILED: December 20, 2010.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(k), F.A.C. (2009), which prohibits a change in the total set-aside commitment.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 30, 2009, Vol. 36, No. 52

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 21, 2011

THE GENERAL BASIS FOR THE DECISION:

The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

NOTICE IS HEREBY GIVEN that on February 16, 2011, the Florida Housing Finance Corporation, received a petition for Waiver from Fountains at Millenia IV, L.L.L.P., of subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment Incentive Loan (SAIL) Program loans to be deferred to the extent "Development Cash Flow" is insufficient.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing 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., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 16, 2011, the Florida Housing Finance Corporation, received a petition for Waiver from Malabar Cove II, Ltd., of subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment Incentive Loan (SAIL) Program loans to be deferred to the extent "Development Cash Flow" is insufficient.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has

also been posted on Florida Housing's website at floridahousing.org. Florida Housing 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., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State, Division of Library and Information Services**, announces a meeting of the State Library Council Governmental Affairs Subcommittee via conference call. All persons are invited.

DATE AND TIME: Monday, March 7, 2011, 8:15 a.m. – 8:30 a.m. EST.

PLACE: Archives Conference Room, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Library Council Governmental Affairs Subcommittee will review and discuss matters and issues related to the programs and/or activities of the Division of Library and Information Services. Subject matter may include issues that have local or statewide impact on the Division and/or the services it provides to Florida's citizens, and strategies to promote the Division's values and work.

For additional information, contact: Judith Ring, Division Director, at (850)245-6600.

Any person requiring special accommodations or assistance due to a disability or physical impairment should contact the agency at least five days prior to the meeting by calling (850)245-6600 or TDD (850)922-4085.

The Florida **Division of Cultural Affairs** and the Florida Council on Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 24, 2011, 8:30 a.m. – Conclusion

PLACE: Heritage Auditorium, R. A. Gray Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does