

(16) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(17) By entering the Orlando Magic Fan Experience Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the Orlando Magic for prize fulfillment purposes.

(18) By entering the Orlando Magic Fan Experience Second Chance Promotion, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(19) Orlando Magic Fan Experience Second Chance Promotion drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Web site at flalottery.com.

(20) This offer is void where prohibited by law.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 1-11-11.

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: January 11, 2011

**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 COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on May 28, 2010, the Department of Community Affairs, received a petition for waiver from the Board of County Commissioners of Hernando County for waiver of paragraph 9B-43.006(3)(b), F.A.C. It was assigned the number DCA10-WAI-116. The rule (which no longer exists) provided penalty points for failure to create jobs under the Florida Small Cities Community Development Block Grant. Soon after submission, the Petitioner verbally notified the Department of its intent to withdraw the petition pursuant to Rule 28-104.002, F.A.C. On June 15, 2010, Petitioner

submitted a written withdrawal letter which was deemed legally insufficient. On December 21, 2010, Petitioner submitted a legally sufficient withdrawal letter.

This is a corrected notice. The first notice, which appeared in the 1/14/11 edition of the Florida Administrative Code, did not provide the name of the Petitioner.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**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**

The St. Johns River Water Management District's Governing Board hereby gives notice:

On December 7, 2010, the District granted a variance under Section 120.542, F.S. (SJRWMD FOR #2009-65), to DiPrima Holdings, LTD (Petitioner). The Petition for Variance was received by SJRWMD on June 17, 2009. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 35, No. 31 on August 7, 2009. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 16, 2010). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the District's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order or additional information may be obtained by contacting: Gail Hankinson, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4391.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on January 6, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Palazzo Di Oro. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.3.2, 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 for firefighters' emergency operations and platform guards 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 2011-006).

A copy of the Petition 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 7, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Sundial East Condo Assoc., Inc. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.27.3.3.1(m), 2.26.2.33, 2.27.3.3.7 and 2.27.3.3.8, 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 for Phase II Emergency In-Car Operation, Firefighters' Stop Switch and an additional visual signal 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 2011-007).

A copy of the Petition 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 10, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Chiles Academy. Petitioner seeks a variance of the requirements of 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), Florida Administrative

Code, 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 2011-008).

A copy of the Petition 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 10, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Typress Cathedral Apartments. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.10.4(u), 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, restricted door openings and an emergency stop switch 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 2011-009).

A copy of the Petition 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 11, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Comfort Inn. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 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 for firefighters' emergency operations 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 2011-010).

A copy of the Petition 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 4, 2011, 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 Wachovia Financial Center, filed October 5, 2010, and advertised in Vol. 36, No. 42, 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 September 30, 2013, 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 2010-610). 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 4, 2011, 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 Lake Destiny Executive Center, filed October 5, 2010, and advertised in Vol. 36, No. 42, 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 July 2015 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 2010-613).

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 4, 2011, 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 341 Maitland Ave. Office Building, filed October 5, 2010, and advertised in Vol. 36, No. 42 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 2010-614).

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 4, 2011, 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 Professional Office Complex, filed October 6, 2010, and advertised in Vol. 36, No. 42, 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, 3.11.1(a)(2) and 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 firefighters' emergency operations, two-way communication and restricted door openings 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 2010-617).

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 4, 2011, 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 Pineda Ocean Club, filed October 8, 2010, and advertised in Vol. 36, No. 43, 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 3.3.2 ASME A17.3, 1996 edition and from Rule 303.3d and 304.2c ASME A17.1, 1979 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 platform guards, supply line shut-off valve and means for checking liquid level until November 1, 2013, 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 2010-627).

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 4, 2011, 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 Colonial Square Properties LLC, filed

October 8, 2010, and advertised in Vol. 36, No. 43 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 and 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 firefighters' emergency operations and restricted door openings because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or that the new rules will not be installed within a reasonable time period and Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-628).

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.

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NOTICE IS HEREBY GIVEN THAT on January 4, 2011, 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 Winter Haven Building, filed October 13, 2010, and advertised in Vol. 36, No. 44, 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, 3.3.2 and 4.4.6 ASME A17.3, 1996 edition and from Rule 1002.2(f) and 111.7(c) ASME A17.1, 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, platform guards, projection of light bulbs and tubes, fire fighter service tests and inspections and hoistway access switch operation requirements until February 19, 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 2010-631).

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 4, 2011, 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 Atlantis Regency East Gardens, filed October 13, 2010, and advertised in Vol. 36, No. 44, 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 January 15, 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 2010-633).

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 4, 2011, 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 Title & Trust Company of Florida Building, filed October 14, 2010, and advertised in Vol. 36, No. 44, 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 3.10.3 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 top-of-car operating devices 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 2010-634).

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 4, 2011, 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 Islander Club of Longboat Key, filed October 14, 2010, and advertised in Vol. 36, No. 44, 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 and 3.10.4(t) 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 and in-car stop switch until December 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 2010-637).

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 4, 2011, 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 Bahia Vista, filed October 15, 2010, and advertised in Vol. 36, No. 44 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 features required under the new rules will not be installed within a reasonable time period and Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-638).

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.

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NOTICE IS HEREBY GIVEN THAT on January 4, 2011, 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 Scholtz Power Plant, filed November 12, 2010, and advertised in Vol. 36, No. 47, 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 5.7.10.4.4 and 5.7.19 ASME A17.1, 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 a switch on the car top emergency exit which opens when the emergency hatch is open and from certain items required by 2.26 until November 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 2010-682).

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 January 4, 2011, 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 FAMU – Tucker Hall, filed November 24, 2010, and advertised in Vol. 36, No. 49, 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 3.1.2.2 ASME A18.1, 2003 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 a minimum headroom clearance during platform travel 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 2010-698).

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 4, 2011, 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 Inlet Village Condo Assoc., Inc., filed December 7, 2010, and advertised in Vol. 36, No. 51, 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 Section 3004.1, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires vents 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 2010-719).

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 5, 2011, 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 Lakeland Hotel & Conference Center, filed December 15, 2010, and advertised in Vol. 36, No. 52, 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, 3.11.1(a)(2) and 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 firefighters' emergency operations, two-way communications and restricted door openings until September 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 2010-725).

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 January 3, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Brooklyn Water Bagels-Kosher Korner located in Sunrise. The above referenced F.A.C. addresses the requirements the requirement that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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 December 29, 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 December 14, 2010 for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code and Section 6-402.11, 2001 FDA Food Code from The Healthy Bagel Company, Jacksonville, FL. The above referenced F.A.C. addresses the requirements the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share the bathrooms located within another licensed establishment for use by both customers and employees.

The Petition was published in Vol. 36, No. 51 on December 23, 2010, and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within The Gates Stores are maintained in a clean and sanitary manner, have hot and cold running water under pressure, soap, approved hand drying devices and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed in the establishment clearly stating the location of the bathrooms. If the ownership of The Gates Store

changes (Gates Petroleum Company), 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 3, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on November 24, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from McCoy's Bar & Grill located in Orlando. The above referenced F.A.C. addresses the requirements that each establishment have an approved plumbing system installed to transport water and to collect wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The Petition was published in Vol. 36, No. 50 on December 17, 2010, and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the sinks are emptied at a frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be protected from contamination during handling. Petitioner shall also ensure the handwash sink is provided with hot and cold running water under pressure, soap, employee handwashing signage and an approved hand drying device.

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 4, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on November 17, 2010 for Section 4-101.111, 2001 Food Code, Section 4-801.11, 2001 FDA Food Code, and subsection 61C-4.010(5), Florida Administrative Code, from Walt Disney World Resort and Disney's Vero Beach Resort located in Lake Buena Vista and Vero Beach. The above referenced F.A.C. addresses requirement that nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material and

linens be free from food residue. They are requesting to utilize multiuse linen cloths and single-use disposable cloths as a slip-resistant base under cutting boards.

The initial petition was published in Vol. 36, No. 49 on December 10, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that all personnel adhere to the operational standards as prescribed in Disney's Guidelines for Cutting Board Food Safety. Specifically, the multiuse linen towel and disposable towel are to be utilized under cutting boards solely to prevent safety hazards related to slippage and movement while in use. The towels may not be used as a food-contact surface. If the Guidelines for Cutting Board Food Safety is updated, a copy of the revised guideline is to be provided to the division 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.

The Board of Professional Engineers hereby gives notice that it has received a Petition for Variance or Waiver of Rule 61G15-20.007, F.A.C., filed on November 15, 2010, by Suman Juluru. The Petitioner seeks the Variance or Waiver from Rule 61G15-20.007, F.A.C., with respect to the requirement that each applicant for a Florida engineers license must demonstrate the completion of a substantial equivalency for the general education course requirements.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with the Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303-5268, within 14 days of publication of this notice.

For a copy of the petition, contact: Carrie Flynn, Executive Director, Board of Professional Engineers, at the above address or telephone: (850)521-0500.

NOTICE IS HEREBY GIVEN THAT on January 6, 2011, the Board of Accountancy, received a petition for Alan K. Geer, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

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.

The Board of Accountancy hereby gives notice that the petition filed by Kristen Lepisto, on November 23, 2010, seeking a variance or waiver from paragraph 61H1-28.0052(1)(b), Florida Administrative Code, has been withdrawn. The Notice of Petition published in Vol. 36, No. 50, of the December 17, 2010, issue of the Florida Administrative Weekly.

The person to be contacted regarding this petition is: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice that the petition filed by Jason Pott, on November 15, 2010, seeking a variance or waiver from paragraph 61H1-28.0052(1)(b), Florida Administrative Code, has been withdrawn. The Notice of Petition published in Vol. 36, No. 48, of the December 3, 2010, issue of the Florida Administrative Weekly.

The person to be contacted regarding this petition is: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on January 5, 2011, the the Florida Real Estate Appraisal Board, received a petition for Ira Bellinkoff, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser must 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, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, within 14 days of publication of this notice.

The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on November 5, 2010, by Mark Alan Gerber. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 46, of the November 19, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on December 7, 2010, Orlando, Florida.

The Board's Order, filed on December 30, 2010, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), 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 or additional information 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.

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NOTICE IS HEREBY GIVEN THAT on January 5, 2011, the Florida Real Estate Appraisal Board, received a petition for Ronald W. Ortiz, seeking a variance or waiver of paragraph 61J1-4.010(1)(d), Florida Administrative Code, that requires that a supervisory appraiser must not have had a registration, certification, or license suspended by the Board or have been disciplined by the Board in two or more disciplinary cases in the past five years.

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.

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NOTICE IS HEREBY GIVEN THAT on January 11, 2011, the Florida Real Estate Appraisal Board, received a petition for Michael B. Politano, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser must 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 within 14 days of publication of this notice.

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The Florida Real Estate Appraisal Board hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on October 19, 2010, by Kenneth L. Reynolds. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 44, of the November 5, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61J1-4.010(1)(c), F.A.C., entitled "Supervision and Training of Registered Trainee Appraisers" which requires that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48

months to qualify to supervise trainees. The Board considered the instant Petition at a duly-noticed public meeting held on December 7, 2010, Orlando, Florida.

The Board's Order, filed on December 30, 2010, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 475.6222, Florida Statutes, would be met by granting a variance from paragraph 61J1-4.010(1)(c), 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 or additional information may be obtained by contacting: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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NOTICE IS HEREBY GIVEN THAT on January 10, 2011, the Florida Real Estate Appraisal Board, received a petition for Jonathan Miles Seither, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser must 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.

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NOTICE IS HEREBY GIVEN that on January 10, 2011, the Florida Real Estate Appraisal Board, received a petition for Milton William Seither, IV, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires that a supervisory appraiser must 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.

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#### **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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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on January 10, 2011, the Board of Medicine, received a petition for variance or waiver filed by Sreerangapalle S. Reddy, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on December 28, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Anchorage Children's Home of Bay County, Inc. and Justin Baxley, assigned Case No.: 10-066W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Dept. of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on December 2, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Children's Home Society of Florida and John Sherman, assigned Case No. 10-067W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for case work services shall have a bachelor's degree of social work or related area of study from an accredited college or university.

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.

NOTICE IS HEREBY GIVEN THAT on December 2, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Jewish Family & Community Services and Bernadine West, assigned Case No. 10-064W. Subsection 65C-15.017(3), F.A.C., requires agency staff

responsible for case work services shall have a bachelor's degree of social work or related area of study from an accredited college or university.

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.

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

**DEPARTMENT OF STATE**

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 1, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400.

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: Elyse Cornelison, Museum of Florida History at (850)245-6400. 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 any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elyse Cornelison, Museum of Florida History at (850)245-6400.

**DEPARTMENT OF LEGAL AFFAIRS**

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 3, 2011, 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: February 8, 2011, 3:00 p.m.

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