

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-8.001 Disciplinary Guidelines
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The changes are as follows:

1. The penalty set forth in subparagraph (2)(ddd)2., shall read as follows: Revocation and a \$10,000.00 fine.
2. The penalty set forth in subparagraph (2)(eee) shall read as follows: Revocation and a \$10,000.00 fine.
3. The requirement for community service shall be deleted from all penalties in subparagraphs (2)(ggg), (iii), (jjj)2., (kkk), (lll), (mmm), and (nnn).
4. The following citations shall be deleted from the rulemaking authority: 456.0375(4)(c), 456.50(2), and 456.0575.
5. The following citation shall be deleted from the law implemented: 456.0375(4)(c).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-9.0131 Training Requirements for
 Physicians Practicing in Pain
 Management Clinics
 NOTICE OF CORRECTION

Notice is hereby given that the above-referenced rule was filed for adoption with a correction to the title and with corrections to the paragraph formatting (numbering). The rule, which was

originally published in Vol. 37, No. 7, of the February 18, 2011, issue of the FAW, stated that this proposed rule would amend the previously adopted rule with the same rule number which is currently adopted, but awaiting ratification by the Legislature. At the time of adoption of the proposed rule amendment, the previously adopted new rule had not been ratified by the Legislature. As such, the proposed amendment adding paragraph (2)(n) to the rule, regarding training requirements for physicians practicing in pain management clinics, could not be incorporated into the non-ratified rule. Therefore, the rule is being filed for adoption utilizing the original rule number and making a correction to the title and the paragraph numbering.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Florida Agency for Health Care Administration, received a petition for Variance or Waiver of paragraph 59A-35.070(1)(c), Florida Administrative Code, from the following:

Colonial Care NH, L.L.C. d/b/a Lexington Health and Rehabilitation Center
 6300 46th Avenue North
 St. Petersburg, FL 33709

Jackson Heights, NH, L.L.C. d/b/a Unity Health and Rehabilitation Center
 1404 NW 22nd Street
 Miami, FL 33142

Lady Lake NH, L.L.C. d/b/a Lady Lake Speciality Care Center
 630 Griffin Avenue
 Lady Lake, FL 32159

Venice NH, L.L.C. d/b/a/ Sunset Lake Health and Rehabilitation Center
832 Sunset Lake Boulevard
Venice, FL 34292

Lady Lake ALF, L.L.C. d/b/a Springs of Lady Lake
620 Griffin Avenue
Lady Lake, FL 32159

The petition requests a variance or waiver of rule provisions that give only one sixty day extension on a change of ownership application effective date. Petitioners seek to extend their change of ownership application effective date to August 1, 2011. Public comments must be received by close of business on May 20, 2011.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine Novak, Esquire, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308 or via email at Lorraine.Novak@ahca.myflorida.com or at (850)412-3660. Written comments may also be sent to Lorraine Novak at the Agency for Health Care Administration.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 21, 2011 the Division issued an order. The Final Order was in response to a Petition for Emergency Variance from Patrician Arms II, filed March 24, 2011, and advertised in Vol 37, No 15, 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 2.18.5.1 and 2.20.1, 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 suspension be provided by steel ropes and governor ropes be no less than 9.5 mm 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 2011-100).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 21, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Lagoon Towers, filed February 1, 2011, and advertised in Vol 37, No 7, 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 2.4.1.5 and 2.15.9.2, ASME A17.1, 2007 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 the pit to be 5' deep 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 2011-034).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On April 21, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Destin Beach Club, filed February 1, 2011, and advertised in Vol 37, No 7, 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 2.4.1.5 and 2.15.9.2, ASME A17.1, 2007 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 the pit to be 5' deep 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 2011-035).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 21, 2011 the Division issued an order. The Final Order was in response to a Petition for Variance from Lagoon Towers, filed February 1, 2011, and advertised in Vol 37, No 7, 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 2.10.2.1 and 2.4.6.2(c), 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 a 42" high handrail when elevator personnel are present on the car top 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 2011-036).

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

NOTICE IS HEREBY GIVEN that on April 13, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Blue Palm Management. 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 with 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 2011-114).

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.

NOTICE IS HEREBY GIVEN that on April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Spectrum Building. Petitioner seeks an emergency variance of 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), Florida Administrative Code, 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 2011-116).

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 April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Park Royal Psychiatric Hospital. Petitioner seeks a variance of the requirements of ASME A17.1, Sections 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1)&(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 suspension and governor ropes be no less than 9.5mm which poses a significant economic 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 2011-117).

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 April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for FAMU – Sampson Hall. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the elevator pit be no less than 5' deep which poses a significant economic 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 2011-118).

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 April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Florida A&M University Sampson Hall. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.10.2.1 and 2.4.6.2(c), 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 top rail have a height of 42 inches from the working surface with no less than 6 inches of clearance when the car is at it's highest location which poses a significant economic 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 2011-119).

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 April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for FAMU – Young Hall. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the elevator pit be no less than 5' deep which poses a significant economic 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 2011-120).

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 April 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Florida A&M University Young Hall. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.10.2.1 and 2.4.6.2(c), 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 top rail have a height of 42 inches from the working surface with no less than 6 inches of clearance when the car is at its highest location which poses a significant economic 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 2011-121).

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 April 21, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Tampa Theatre Office Bldg. 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 with 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 2011-124).

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 April 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Royal Richey Condos. Petitioner seeks an emergency 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 with firefighters' emergency operations 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 2011-125).

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 April 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Waverly Towers Condos. Petitioner seeks an emergency 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 with firefighters' emergency operations 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 2011-126).

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 April 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 280 Canton Building. Petitioner seeks an emergency 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 with firefighters' emergency operations 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 2011-129).

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 April 21, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Yacht Club Towers. Petitioner seeks an emergency variance of the requirements of 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), Florida Administrative Code, 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 2011-130).

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 April 26, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 280 Canton Building. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2, 3.4.5(d), 3.10.3 and 3.10.4(q), 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, emergency lighting power, top-of-car operating devices and normal terminal stopping 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 2011-128).

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 April 25, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Seabank Building. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Sections 2.7.4, 3.11.1, 2.3.1 and 3.2.3 and of ASME A17.1, Sections 8.11.3.1.2 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings, emergency communication, access to elevator pits and regulates the machine/control room/space 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 2011-127).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on March 24, 2011 the Department received an Emergency Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsection

61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from El Cubano Express located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition was published in Vol. 37/14 on April 8, 2011. The Order for this Petition was signed on April 14, 2011 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 that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on March 21, 2011 the Department received an Emergency Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Moments In Time Catering located in Fort Lauderdale. 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 an adjacent business for customers only.

The Petition was published in Vol. 37/14 on April 8, 2011. The Order for this Petition was signed on April 14, 2011 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 Atlantic Properties International Inc., are maintained in a clean and sanitary

manner and are provided with 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 within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Atlantic Properties International Inc. changes, an updated signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN that on April 18, 2011, the 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 The White Room Bar & Lounge located in Land O'Lakes. The above referenced F.A.C. addresses the requirements 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 sushi bar and dish machine area handwash sinks.

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.

NOTICE IS HEREBY GIVEN that on April 19, 2011, the Construction Industry Licensing Board, received a petition for a permanent waiver or variance of Rule 61G4-18.001, F.A.C., filed by Shelly A. Storves, dealing with the continuing education requirements for renewal or reactivation of licensure.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on April 8, 2011, the Bureau of Beaches and Coastal Systems, received a petition for variance or waiver, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from Rule 62B-33.0051, F.A.C., which provides the conditions where construction of coastal armoring structures shall be authorized. The petition was received from ECM Company, on behalf of Eleanor Sines, for the construction of a coastal armoring structure on property located at: 3143 N. Oceanshore Blvd., Flagler Beach (Flagler County) File No.: FL-309 AR V.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debbie Bohlen, DEP, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd., MS 300, Tallahassee, FL 32399, (850)488-7816, debbie.bohlen@dep.state.fl.us. Written comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on March 18, 2011, the Department of Children and Families, received a petition for waiver of Rule 65E-4.016, Florida Administrative Code, from Health Management Institute/Canopy Cove, assigned Case No. 11-011W. Rule 65E-4.016, F.A.C., states licensed mental health residential treatment facility be an applicant and provide a long term homelike residential environment that provides care, support, assistance and limited supervision in daily living to adults diagnosed with a serious and persistent major mental illness who do not have another primary residence. Any facility licensed as a residential treatment facility must sustain a 60 day average or greater length of stay of residents, except as specifically provided for in Section 394.875(11), F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk.

NOTICE IS HEREBY GIVEN that on April 11, 2011, the Department of Children and Families, received a petition for waiver of subparagraph 65E-12.109(1)(b)1., Florida Administrative Code, from Miami Dade County, assigned Case No. 11-016W. Subparagraph 65E-12.12.109(1)(b)1., F.A.C., requires new facility construction and additions, refurbishing, renovations and alterations to existing facilities shall comply with the fire building codes in Chapter 69A-3, F.A.C., and in the National Fire Protection Association 101, Chapter 59A-3, F.A.C.

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.