

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section V****Petitions and Dispositions Regarding Rule Variance or Waiver****BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on April 20, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from The Hungry Greek located in Tampa. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 42.

This variance request was approved May 21, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (42) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 1, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from J & B Sandwiches located in Indialantic. They are requesting a variance to not have bathroom facilities within the establishment but use an adjacent establishment's bathroom facilities.

This variance request was approved May 21, 2007, and is contingent upon Petitioner ensuring public bathrooms inside of the fishing tackle shop has hot and cold running water at all times, kept in a clean and sanitary manner, and they are

available during all hours of operation. Petitioner shall ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. All plan review deficiencies and provisos must be complied prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizza Chef of Sarasota. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 41.

This variance request was approved May 21, 2007, and is contingent upon the Petitioner ensuring the public bathroom inside of Pizza Chef of Sarasota is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. The Petitioner shall also ensure the bathroom facilities inside of Tan's Etc. has running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed (41) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on April 25, 2007, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order on a Petition for Variance from Giesecke & Devrient America, Inc., Petitioner in DBPR Case No. 2007004109 (VW 2007-013) grants a limited variance to the maintenance of information on Form DBPR PMW-3440 in order to comply with the intent of subsection 61D-14.059(h), F.A.C. The Final Order further enforces all remaining provisions of that rule and all other application requirements. The Final Order is optional permitting the Petitioner to follow the original requirement of the rule or not to submit application.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT on April 24, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 16, 2006, by Natalia Esteban. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 46, of the November 17, 2006, F.A.W. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing an extension of time for passing all four sections of the CPA examination. The Board considered the instant Petition at a duly-noticed public meeting, held December 8, 2006, in Tallahassee, Florida.

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

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

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NOTICE IS HEREBY GIVEN THAT on May 16, 2007, the Board of Accountancy, received a petition for Diane Gilberti Winters, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, which requires that a candidate for licensure as a Certified Public Accountant pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken.

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, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on May 21, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 1, 2007, by Marc Berger. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 11, of the March 16, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the

requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held March 30, 2007, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, F.S., would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

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

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NOTICE IS HEREBY GIVEN THAT on May 21, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on January 16, 2007, by Raymond Borsella. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 5, of the February 2, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-31.001(10), F.A.C., entitled "Fees" and the requirement that a licensee pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period. Petitioner also sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" with regard to the requirement that a licensee submit an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held March 30, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.305, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-31.001(10), F.A.C. The Board also found that Petitioner failed to establish that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), F.A.C. The Board further found that Petitioner failed to establish that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

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

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on February 23, 2007, the Board of Hearing Aid Specialist, received a petition for Variance or Waiver of Rule 64B6-8.003, F.A.C., of Robert E. Eacret. The Board's Order of Intent to Grant Petition for Variance or Waiver, filed in this cause on May 3, 2007, determined that the Petition for Variance or Waiver should be granted on the following grounds:

1. The Petitioner seeks a waiver of subsection 64B6-8.003(8), F.A.C. Specifically, Petitioner seeks waiver of the rule that states that applicants can only sit for or fail an examination three times.
2. Section 120.542(2), Florida Statutes, provides that a petitioner seeking a variance or waiver from a particular administrative rule must show that he or she has met the purpose of the statute underlying the rule from which waiver is sought by some other means and that the application of the rule in question creates a substantial hardship or violates principles of fairness before the agency can grant such petition.
3. The Petitioner has demonstrated that his father has significant medical problems and passed away through documentation submitted for the Board's review.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, The Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3259.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Animal Industry Technical Council (AITC)** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 22, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Marco Island Marriott, 400 S. Collier Boulevard, Marco Island, Florida 34145

For more information, please contact Anne Vuxton at (850)410-0935.

**DEPARTMENT OF EDUCATION**

The State **Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIMES: June 19, 2007, 9:00 a.m. – 12:00 Noon, Workshop on Professional Practices Services; 1:00 p.m. – 5:00 p.m., Meeting of the State Board of Education

PLACE: Miami Edison Senior High School, 6161 N. W. 5th Court, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to present current practices and recommendations for consideration relating to Professional Practices Services. The meeting will include updates on the status of repeating F schools and the release of school grades. Among the items for action are:

Approval of Proposed Rule 6A-1.099823, F.A.C., Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program; Approval of Proposed Rule 6A-6.0783, F.A.C., District School Board Exclusive Authority to Sponsor Charter Schools; Approval of Proposed Assistance Plus Plans for F and Repeating F Schools; Approval of Revisions to Community College Baccalaureate Approval Process; Approval of the 2008-09 Legislative Budget Request Guidelines; and Approval of Broward County School Board's Supplemental Educational Services Plan. Other items to be considered include: Approval of Amendment to Rule 6A-1.09401, F.A.C., Student Performance Standards; Approval of Central Florida Community College's Request for a Site Designation for a Commercial Driving Program Special Purpose Center; Approval of a Hillsborough Community College's Request for a Site Designation for Workforce and Public Safety Programs Special Purpose Center; Approval of College Reach-Out Program Funding Recommendation; Approval of Department's Code of Ethics; Approval of Proposed Rule 6E-1.003, F.A.C., Definition of Terms; Approval of Proposed Rule 6E-1.0032, F.A.C., Fair Consumer Practices; Approval of Proposed Rule 6E-2.004, F.A.C., Standards and Procedures for Licensure; and Approval of Proposed Rule 6E-2.0041, F.A.C., Delivery of Programs Through Nontraditional Assessments, Modes and Methods. Policies issues will include Setting the Minimum VPK Provider Kindergarten Readiness Rate.

A copy of the agenda or for more information you may obtain by contacting Lynn Abbott, Department of Education at (850)245-9661 or through the Department's website at <http://www.fldoe.org>.

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, June 25, 2007, 8:30 a.m. – 5:00 p.m.; Tuesday, June 26, 2007, 8:15 a.m. – 1:00 p.m.; Executive Committee, June 24, 2007, 6:00 p.m. – 7:30 p.m.

PLACE: Renaissance Vinoy Resort and Golf Club, 501 Fifth Avenue, Northeast, St. Petersburg, Florida, (727)894-1000