

following topics: USPAP Advisory Opinion 5, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

4. When changed, subsections 61J1-4.003(1)1. to 4. shall read as follows:

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30 hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1, 2006, the minimum 30 hours of continuing education must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:

(a) The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, Florida Statutes;

(b) Review of Chapter 475, Part II, Florida Statutes, sections regarding the post-licensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records;

(c) Review of Chapter 61J1, Florida Administrative Code, section regarding post-licensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising; and

(d) Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J-9.001, Florida Administrative Code, including at least the following topics: USPAP Advisory Opinion 5, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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."

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-15.002 RULE TITLE: Solicitation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 49, December 9, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

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 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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the South Florida Water Management District (District), received a petition for waiver from the City of North Miami Beach, Application No. 06-0613-3 for issuance of a Modification to Right of Way Occupancy Permit Number 1561 for utilization of Works or Lands of the District known as the C-9 Canal, Miami-Dade County, to allow the removal and replacement of existing guardrail within the rights of way of the C-9 Canal at the N. E. 15th Avenue bridge lying in Section 17, Township 52S, Range 42E. The petition seeks relief from subsections 40E-6.011(5) and (6), Florida Administrative

Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within forty feet (40') of the top of the canal bank.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 27, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Planet Progress located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment that is under the same ownership.

This variance request was approved October 2, 2007, and is contingent upon the Petitioner ensuring the bathroom located in the adjacent establishment, Dandelion Communita Café, is functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within and/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no seats inside or outside the establishment. All provisos shall be met 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 August 29, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Big Al's Steaks located in Coconut Creek. 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 thirty-five (35).

This variance request was approved October 27, 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 (35) 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 September 7, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Sprinkles of Palm Beach located in Palm Beach. 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 twenty (20).

This variance request was approved October 2, 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 (20) 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 September 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Shuki LLC located in Miami Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved October 2, 2007, and is contingent upon the Petitioner ensuring the bathrooms located in the adjacent establishment are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no seating and all provisos shall be met 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 September 25, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from The Pickled Parrott, LLC located in Naples. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use centrally located bathroom facilities for patrons.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us.

This variance request was approved October 2, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed one hundred and fifty (150) which includes inside and outside seating. All provisos shall be met 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 September 19, 2007, the Board of Accountancy, received a petition for Carmen Alvarez, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, which requires that candidates must 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 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, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on September 26, 2007, the Board of Accountancy, received a petition for Elizabeth Miller, seeking a variance or waiver of paragraph 61H1-27.002(2)(a), Florida Administrative Code, which

requires that an applicant for licensure must hold a baccalaureate degree from an accredited college or university and that 36 semester or 54 quarter hours earned in accounting education must be above the elementary level.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 20, 2007, the Board of Clinical Laboratory Personnel has issued an order.

The Board ("Board") of Clinical Laboratory Personnel, hereby gives notice that it has issued an Order Denying the Petition for Variance or Waiver from subsection 64B3-5.008(3), F.A.C., filed on May 28, 2007, by Uyen Diem Phan. On July 20, 2007, the Board held a meeting to consider the Petition. Upon consideration, the Board has determined that the Petition should be denied for the following reason:

1. The Petition is denied because the Board cannot grant a waiver from the statutory requirements for a technician's license set forth by the Legislature in Section 483.812(3)(c), Florida Statutes.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

NOTICE IS HEREBY GIVEN THAT on October 3, 2007, the Department of Health, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from Miles V. Nelson, MD, PA and Daniel B. Cox, MD.

Applicable Rule: Paragraph 64E-2.004(3)(c), Medical Direction, Florida Administrative Code.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

Date and Place of Notice: Notice was published on October 19, 2007 in the F.A.W.

All comments must be received in writing by November 2, 2007 to Lisa M. Walker, Government Analyst II, Bureau of EMS.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of EMS, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL, 32399-1738.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: Heritage Hall, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Historic Preservation Grant Process and Program Guidelines.

A copy of the agenda may be obtained by contacting the grants staff by phone at 1(800)847-7278, by Fax at (850)245-6437, or by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

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 24 hours before the workshop/meeting by contacting the grants staff by phone at 1(800)847-7278, by Fax at (850)245-6437, or by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250. 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 the grants staff by phone at 1(800)847-7278, by Fax at (850)245-6437, by writing to: 500 S. Bronough Street, Tallahassee, Florida 32399-0250 or by visiting our website (www.flheritage.com/grants).

DEPARTMENT OF ELECTIONS

The **Florida Elections Commission** announces a meeting to which all interested persons are invited though parts of the meeting are confidential.

DATES AND TIMES: Tuesday, November 13, 2007, 8:30 a.m. – until the Commission adjourns; Wednesday, November 14, 2007, 8:30 a.m. – until the Commission adjourns

PLACE: DoubleTree Hotel, 101 S. Adams Street, The Florida Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda or additional information call Patsy Rushing at telephone number (850)922-4539 or write to: 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Division of Marketing and Development** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 29, 2007, 2:00 p.m.

PLACE: Eyster Auditorium, Connor Building, 3125 Connor Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting to review and discuss Chapter 2007-244, Section 2, Laws of Florida (conditions surrounding the sale and purchase of horses).

For more information, you may contact Paul Davis at (850)487-2779. If you need special accommodations due to disability or for directions.

The **Clam Industry Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 1, 2007, 12:30 p.m. – 3:30 p.m.

PLACE: Pine Island Public Library, 10700 Russell Road, Bokeelia, FL 33922

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues affecting the Florida Clam Industry.

A copy of the agenda may be obtained by contacting: Rachelle Coleman, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Rachelle Coleman as soon as possible.