

(3) A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission – prescribed 25 item end-of-course examination. The school shall test only students who have completed at least 90% of the required hours of instruction. May reactivate a license, which has been involuntarily inactive for 12 months but less than 24 months, by satisfactorily completing a 14 hour Commission – prescribed continuing education course for each 2-year license period.

(4) No change.

(5) Accredited universities, colleges, community colleges in this state, area technical centers or ~~by~~ real estate schools registered pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or sales associate until such person has met all other requirements of law.

(6) No change.

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 CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-4.2081 Hurricane Katrina Emergency
Assistance Program for Evacuees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 19, May 12, 2006, Florida Administrative Weekly has been withdrawn.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 THE LOTTERY

RULE NO.: RULE TITLE:
53ER06-48 Payment of Stolen Instant Tickets
SUMMARY OF THE RULE: This emergency rule sets forth the criteria for the payment of stolen instant tickets.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-48 Payment of Stolen Instant Tickets.

Notwithstanding the provisions of rule paragraphs 53ER06-4(11)(e) and (j), F.A.C., an instant ticket that has been reported stolen will be eligible for prize payment if the claimant who presents the ticket for payment is determined by the Lottery to be free of involvement or culpability in the theft of such ticket and the ticket is otherwise valid and eligible for payment under Rule 53ER06-4, F.A.C.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1) FS. History–New 8-25-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 25, 2006

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 August 1, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Cruz Catering Corporation located in Orlando. The above referenced Florida Administrative Code, address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall

be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved August 16, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to Section 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and 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.

NOTICE IS HEREBY GIVEN that on August 17, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Family Enterprises located in Kissimmee. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

This variance request was approved August 23, 2006, for the three MFDVs and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel

possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and 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.

NOTICE IS HEREBY GIVEN that on July 11, 2006, the Barbers Board, received a petition for Lucey S. Higginbotham, seeking a waiver or variance of Rule 61G3-19.011, F.A.C., with respect to animals not permitted inside a barbershop, with exception of closed aquariums or trained animals to assist the hearing or visually impaired, or the physically disabled.

A copy of the Petition for Variance or Waiver may be obtained by contacting Robyn Barineau, Executive Director, at the above address or telephone (850)487-1395.

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."

NOTICE IS HEREBY GIVEN that on August 8, 2006, The Department of Environmental Protection, Bureau of Petroleum Storage Systems, received a petition for variance from Valero, LP, from the requirement that the dike field area have secondary containment pursuant to paragraph 62-762.501(2)(c), Florida Administrative Code. Instead, Valero is proposing to install an alternative dike field

containment system that has been previously approved by the Department. The petition has been assigned File No.: OGC File # 06-1846.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Storage Tank Regulation Section, Mail Station 4525, 2600 Blair Stone Road, Florida 32399-2400, Attn.: John Svec, (850)245-8845.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on August 23, 2006, by Rao Sudheendra, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for official transcripts 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. For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on August 23, 2006, by Willem Bian Gwan Ouw, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for official transcripts 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. For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on August 23, 2006, the Board of Optometry, received a petition for Variance or Waiver filed on August 23, 2006 on behalf of Richard Vorperian, O.D. Petitioner seeks a variance of Rule 64B13-4.001, F.A.C., entitled "Examination Requirements." Specifically, the Petitioner, an out of state Optometry practitioner, now a resident in Florida, requests that the Board waive the requirement applicable to his licensure for the portion under Rule 64B13-4.001, F.A.C. that pertains to taking Part I and Part II of the National Board of Examiners in Optometry ("NBEO") examination within five years of taking the Florida examination. This request is made in view of the Petitioner's background as a Board certified Doctor of Optometry in Illinois and Michigan, as detailed in the Petition.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that the Department of Health received Petitions for Waiver of subsection 64E-3.004(2), F.A.C., from the following persons on the below date(s) who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

August 25, 2006:

Barbara Renae Thomas

August 30, 2006:

Thelma F. Aneiros

Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 29, 2006, the Florida Housing Finance Corporation, received a petition for subsection 67-48.004(14), Florida Administrative Code, from McCurdy Center, Ltd. ("Petition"). The Petition is seeking a waiver of the prohibition on changing the total number of units by allowing an increase in the total number of units from 92 to 93, and allowing a change in the bedroom mix from 9 efficiency units and 83 one-bedroom units to 93 one-bedroom units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on August 23, 2006, The Florida Housing Finance Corporation, received a petition for Waiver of paragraphs 67-48.004(14)(j), and 67-48.004(14)(k), F.A.C. as applied to Pinnacle Park's RFP 2006-04 SAIL Program Funds Request ("Petition"). The Petition is seeking a

waiver of the restriction on changing the total number of units; and Total Set-Aside Percentage in its RFP 2006-04 SAIL Program Funds Request.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on August 23, 2006, Florida Housing Finance Corporation, received a petition for Waiver of paragraphs 67-48.004(14)(j), and 67-48.004(14)(k), F.A.C. ("Petition"). The Petition is seeking a waiver of the restriction on changing the total number of units; and Total Set-Aside Percentage in its 2005 Universal Application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a Historic Marker Conference Call to which all interested persons are invited.

DATE AND TIME: September, 27, 2006, 10:00 a.m. (EDT)

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Review Historical Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all interested persons are invited.

Bylaws Committee

DATE AND TIME: September 12, 2006, 3:00 p.m.

Annual Report Committee

DATE AND TIME: September 13, 2006, 10:00 a.m.

Finance and Budget Committee

DATE AND TIME: September 14, 2006, 10:00 a.m.

Women's Hall of Fame Committee

DATE AND TIME: September 20, 2006, 10:00 a.m.

Executive Committee

DATE AND TIME: September 21, 2006, 10:00 a.m.

Public Outreach Task Force

DATE AND TIME: September 27, 2006, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on general issues.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If you need accommodation due to a disability, please notify: the Florida Commission on the Status of Women, the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: September 22, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Fruit and Vegetable Association, Conference Room, 800 Trafalgar Court, Maitland, Florida 32751, (321)214-5200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.