

69O-204.030 Forms Incorporated by Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 2/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office's website: <http://www.floir.com>.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History--New \_\_\_\_\_.

69O-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History--New \_\_\_\_\_.

69O-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History--New \_\_\_\_\_.

The remainder of the rules read as previously published.

## 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

### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Transportation has issued an order denying the petition of Lamar Outdoor Advertising – Lakeland, seeking a variance from the provisions of paragraph 14-10.007(2)(b), F.A.C. The Petition was received by the Department on November 28, 2007. The Department published its notice of receipt of the petition in the December 14, 2007, edition of the F.A.W. Paragraph 14-10.007(2)(b), F.A.C., prohibits modifications to the height above ground level for nonconforming billboards. The Department's order, issued in DOT Case No. 07-114, denied the petition because Lamar Outdoor Advertising – Lakeland failed to demonstrate that the purpose of the underlying statute would be met or that strict application of the rule would create a substantial hardship or violate principles of fairness.

A copy of the Order may be obtained by contacting: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact James C. Myers at (850)414-5393.

### 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 February 12, 2008, the South Florida Water Management District (District), received a petition for waiver from Okeechobee Utility Authority, Application No. 08-0129-1, for utilization of Works or Lands of the District known as the L-63N Canal, Okeechobee County, for a proposed parallel run of a 4" force main transmission line within the east right of way of L-63N, Section 35, Township 36 East, Range 35 West, Sections 2, 11, 13, 24, 25 Township 37 South, Range 35 East and Sections 30, 31, 32, Township 37 South, Range 36 East. The petition seeks

relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the use of the District's Right of Way for placement of parallel transmission (force main) facilities within Works or Lands of the District.

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](mailto: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 February 26, 2008, the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, Docket No. 2008010658, received a petition for Waiver.

Whether Scape Investments, Inc., a bulk sale purchaser at bankruptcy of 82 units in the Residences at Whispering Pines, a condominium, who intends to market the units for sale to the public is entitled to a waiver of the definition of developer in Rule 61B-15.007, Florida Administrative Code, and therefore exempt from complying with the statutory requirements for filing, offering, and selling.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT on February 1, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Brick House located in Monticello. 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 for patrons and they are requesting a variance to have a seating capacity of forty (40).

A copy of the Petition for Variance or Waiver may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on February 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Speedie Doggs located in Ponce De Leon. 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 and have seating for ten.

A copy of the Petition for Variance or Waiver may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 7, 2008, for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Antojos Latinos Catering located in Orlando. 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 a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 paragraph 61C-4.0161(2)(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 the 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.

A copy of the Order may be obtained by contacting:  
Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 4, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Domino's Pizza located in Miami. 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, Westchester Barber Shop.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located inside of Westchester Barber Shop 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 seats 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.

A copy of the Order may be obtained by contacting:  
Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on January 30, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Exquisite Subs and Deli 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 two unisex bathrooms for patrons and they are requesting a variance to have a seating capacity of twenty-four (24) and two bathrooms with a unisex designation.

This variance request was approved and is contingent upon the Petitioner ensuring the two unisex public bathrooms are 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. 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.

A copy of the Order may be obtained by contacting:  
Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on February 5, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Quiznos Subs located in Maitland. 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-five (25).

This variance request was approved 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 (25) 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.

A copy of the Order may be obtained by contacting:  
Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on January 31, 2008, for a Routine Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Rod's Catering located in Orlando. 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 a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 paragraph 61C-4.0161(2)(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 the 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Baskin Robins located in Pace. 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 for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Sanguchon located in Orlando. 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 for patrons and they are requesting a variance to have a seating capacity of twenty-three (23).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 4, 2008, the Board of Accountancy, received a petition for Louise Huey, 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. Petitioner also seeks a variance from subsection 61H1-33.001(1), F.A.C., which requires that a CPA complete the laws and rules examination by December 31 of the licensee's reestablishment period. Petitioner also seeks a variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50.00 fine within 60 days.

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 February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 23, 2007, by Alan S. Burggaller. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 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 CPE as penalty for not meeting the deadline for obtaining the required continuing education hours within their reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, 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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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 25, 2007, by Stuart K. Furman. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" that requires that the licensee complete an additional 8 hours of CPE as penalty, if they do not timely meet the initial CPE requirements within their reestablishment period. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal years must correct the error and pay a \$50.00 fine within sixty days. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established 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), and 61H1-33.003(6), F.A.C. The Board further found that Petitioner established 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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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on November 6, 2007, by Emma Guerra. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" to be allowed to count the Board-approved ethics course she completed on July 14, 2007, as being timely completed and, thus, she would owe no penalty hours. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established 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 established that the Board's

full application of the aforementioned rules 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 February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 1, 2007, by Charles L. Moore. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 43, of the October 26, 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 failure to timely submit a CPE reporting form. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, 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 further found that Petitioner failed to establish 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 February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 2, 2007, by H. Allan Shore. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 44, of the November 2, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" that requires that the licensee complete an additional 8 hours of CPE as penalty, if they do not timely meet the initial CPE requirements within their reestablishment period. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal years must correct the error and pay a \$50.00 fine within sixty days. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established 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), and

61H1-33.003(6), F.A.C. The Board further found that Petitioner established 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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NOTICE IS HEREBY GIVEN that on February 25, 2008, the Board of Accountancy, received a petition for Albert A. Haab, seeking a variance or waiver of subsection 61H1-33.001(1), Florida Administrative Code, which requires that each licensee complete on-line or mail completed answers to the examination on Chapters 455 and 473 F.S., and related administrative rules with a passing score of at least 80, on or before December 31, prior to the licensee's biennial renewal period.

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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#### 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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NOTICE IS HEREBY GIVEN THAT on February 14, 2008, the Department of Environmental Protection has issued an order.

Petitioner withdrew the petition for variance under Section 120.542, F.S., received from Motiva Enterprises LLC on January 22, 2008. The notice of receipt of this petition was published in the F.A.W., on February 8, 2008. The petition requested a variance from the requirement to install an impervious dike field area around a new aboveground field-erected tank under subparagraph 62-762.501(2)(c)1., Florida Administrative Code, and requested to install an overflow retention and shell monitoring system on new tank #3 at their Tampa Terminal. On February 14, 2008, Petitioner withdrew its petition for variance and requested an alternate procedure pursuant to subsection 62-762.851(1), F.A.C.

A copy of the Order may be obtained by contacting: John Svec, Department of Environmental Protection, MS 4525, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: [john.svec@dep.state.fl.us](mailto:john.svec@dep.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on January 23, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

Notice of receipt of this petition was published in the F.A.W., on January 19, 2007. The variance request was requested by the Town of Hillsboro Beach c/o Coastal Engineering Consultants and received by the Department on December 13, 2006. The petition requested a variance from paragraph 62B-41.0075(1)(b), F.A.C., for an experimental coastal construction project. This rule states that, "the proposed location must be properly suited for a non-biased comprehensive analysis of the results of the proposed coastal construction." No public comment was received. The Order, file number 0269543-001-JC and OGC file number 07-2736, granted the Petition, based on a showing that the Petitioner demonstrated that a strict application of the rule would result in substantial hardship to the Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Lizbeth Childs, Department of Environmental Protection, 3900 Commonwealth Blvd. MS 300, Florida 32399-3000, (850)413-7787.

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NOTICE IS HEREBY GIVEN THAT on February 19, 2008, the Department of Environmental Protection, received a petition for variance or waiver from James R. and Michelle M. Spires. The petition requests a variance or permanent waiver of subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the conditions under which construction of armoring shall be authorized. The petition has been assigned File No. WL-934 AR ATF V and OGC No. 08-0303.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham, (850)488-7815, or by e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us). The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida, 32399-3000, and should be submitted within 14 days of the date of this publication.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Board of Chiropractic Medicine, received a petition for Todd M. Reiter, D.C., M.D., seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2008, the Board of Chiropractic Medicine, received a petition for Frederick D. Yost, seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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NOTICE OF CHANGE – The Board of Dentistry hereby gives notice that it has received an amended petition, filed on February 20, 2008, by Lan-Chen Kuo, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Angela T. Cannon, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of Rules 64B5-14.003 and 64B5-14.005, F.A.C., by Douglas S. Most, D.D.S., with respect to the following licensure requirements: That each applicant must meet the training, education, certification, requirements for issuance and application for permits to administer conscious sedation anesthesia.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Brenda L. Pedroza, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Jennifer J. Schuttig, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Kesia C. Sexton, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Karen T. Way, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on December 20, 2007, the Board of Medicine, received a petition for waiver or variance filed by Prabhu Negi, 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.

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NOTICE IS HEREBY GIVEN THAT on February 18, 2008, the Board of Orthotists and Prosthetists, received a petition for Variance or Waiver, which was filed on February 18, 2008, on behalf of Terrance Stock. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver from certain requirements mandated under Section 468.803, F.S., entitled "Licensure Requirements." Specifically, given the background and level of experience of the Petitioner, as described and documented in the Petition, the Petitioner requests on the grounds of principles of fairness a waiver with respect to the requirement that he "return to the classroom or meet intern/residency requirements" and "obtain a certificate in Orthotics."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

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NOTICE IS HEREBY GIVEN THAT on February 6, 2008, the Department of Health, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from Arnold J. Moss, M.D., Air Ambulance Worldwide, Inc.

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 March 7, 2008 in the F.A.W.

All comments and requests for copies of the petitions must be received in writing by March 21, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

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NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Department of Health, received a petition for Waiver from Rule 64E-15.010, Florida Administrative Code, from William Campbell, on behalf of Cedar Key United Methodist Church. That rule requires a permit to operate a mobile home park that has five or more sites set aside for recreational vehicles. The Petitioner requests a waiver from the rule to allow construction volunteers which travel in recreational vehicles to work on a proposed church expansion without having to be permitted as a park. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.



A copy of the Petition for Waiver may be obtained by contacting: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, extension 2454.

NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Department of Health, received a petition for variance from subsection 64E-3.002(1), F.A.C., from the following persons:

- Samid Oliva
- Odalgis G. Jojas Parras
- Michel Perez Sanchez
- Ibrahim Navarro
- Alfredo Carreras
- Yovany Marquez Roman

The Petitions request a variance from the rule that defines “approved program” due to the date that the program from which they graduated is anticipated to meet the parameters of the rule. Comments on these Petitions should be filed with: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 25, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.