

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

NOTICE OF CORRECTION OF PROPOSED
EFFECTIVE DATE

SUMMARY OF CORRECTION: There are no substantive changes to the rule or the toll rate schedule resulting from the hearings. However, the original notice had a projected effective date of January 8, 2006. Because of the rescheduled hearings, the proposed effective date is changed/corrected to February 5, 2006.

Notice of rulemaking was published in *Florida Administrative Weekly*, Vol. 31, No. 43, October 28, 2005.

Public hearings were originally scheduled, but were rescheduled in a subsequent notice published in Vol. 31, No. 45, *Florida Administrative Weekly*, dated November 10, 2005.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-2.001	Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 44, of the November 4, 2005, issue of the *Florida Administrative Weekly*. The Board, at its meeting held on December 5, 2005, voted to make the following change to the rule:

The Board voted to delete proposed subsection (16) of Rule 61J1-2.001, F.A.C., because the Board does not have statutory authority to promulgate a rule implementing Section 455.271(6)(b) of the Florida Statutes pursuant to Section 455.271(12) of the Florida Statutes.

In Subsection (15), remove the word "is"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, Hurston Building, North Tower, Suite N801, 400 West Robinson Street, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Section IV
Emergency Rules

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
General	67ER05-26
Definitions	67ER05-27
Hurricane Housing Recovery Assistance Plans and Distribution of Funds	67ER05-28
Uses of and Restrictions Upon Hurricane Housing Recovery Program Funds	67ER05-29
Hurricane Housing Recovery Program Trust Fund	67ER05-30
Annual Reports	67ER05-31
Compliance Monitoring for Housing Developed With HHR Program Funds	67ER05-32

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:

Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor's Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the

state with the greatest housing damage from the hurricanes suffered by the State of Florida during 2004. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Corporation has been granted emergency rulemaking authority under Chapter Law 2005-92, formerly House Bill 1889, "Distribution of Proceeds from the Excise Tax on Documents." The HHR rules shall be effective immediately upon filing with the Florida Department of State and shall be valid for a period of 180 days.

SUMMARY OF THE RULE: The rule provides the strategy by which HHR program funds shall be utilized by eligible entities for affordable housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER05-1 through 7 which will expire December 27, 2005.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Robert Dearduff, HHR Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL. 32301 or call (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

67ER05-26 General.

This rule chapter is established to administer the implementation of the Hurricane Housing Recovery Program (HHRP). For the purposes of this rule chapter, all provisions in Chapter 67-37, F.A.C., and Sections 420.907-9079, F.S., are applicable except where described in the chapter herein.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-27 Definitions.

(1) "Administrative Expenditures" means expenditures directly related to the implementation of the HHR funds as set forth in paragraphs 67-37.007(4)(a), (b), (c), (d), F.A.C.

(2) "Extremely low income household" or "ELI" means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

(3) "Hurricane Housing Recovery Program" or "HHR" means the Hurricane Housing Recovery Program as recommended by the Hurricane Housing Work Group dated February, 2005.

(4) "Manufactured Home" is as defined in Section 320.01(2)(b), F.S.

(5) "Mobile Home" is as defined in Section 320.01(2)(a), F.S.

(6) "Hurricane Housing Assistance Plan" or "HHAP" means a detailed description of the planned activities to be undertaken by an eligible county and eligible municipalities and as set forth in Rule 67-37.005, F.A.C.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-28 Hurricane Housing Assistance Plans and Distribution of Funds.

(1) To receive HHR program funding, an eligible county or eligible municipality must submit its Hurricane Housing Assistance Plan to and receive approval from the Corporation pursuant to Rule 67-37.005, F.A.C. Plans must be submitted to the Corporation by August 1, 2005. A local government may submit a written request to the Corporation to extend the deadline up to 45 days. No HHR program funds shall be distributed to any eligible county or eligible municipality unless and until an approved plan is in place.

(2) The effective period of the Hurricane Housing Assistance Plan is three years plus a one year extension which requires approval by Florida Housing Finance Corporation HHR Program Administrator as set forth in subparagraph 67-37.005(6)(f)2., F.A.C.

(3) Each Hurricane Housing Assistance Plan shall include a description of all activities to be undertaken in the HHR program. An eligible county or eligible municipality shall use the Hurricane Housing Assistance Plan Template in order to submit its HHAP. The Hurricane Housing Assistance Plan Template (07/05) is adopted and incorporated by reference with an effective date of 7/1/05. A copy of the Hurricane Housing Assistance Plan Template (07/05) may be obtained at <http://www.floridahousing.org/Home/Disaster/HurricaneHousingRecoveryProgram.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(4) For each use of HHR program funds, the eligible county or municipality shall provide information as required in paragraphs 67-37.005(5)(a), (b), (c), (d) and (e), F.A.C. The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods.

(5) A copy of the Hurricane Housing Assistance Plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the strategy being electronically transmitted. The mailed copy submitted to the Corporation shall bear the original signature of an authorized official or an authorized official's designee.

(6) Once the HHAP is approved, an eligible county or eligible municipalities shall be eligible to draw funds for activities included in the approved strategies in the HHAP. The request for funds shall be submitted in writing and include the following information: Name of local government, amount of

funds requested from the base allocation, ELI supplemental allocation and the community planning supplemental allocation as referenced in subsections 67ER05-4(3), (4) and (5), F.A.C., and a schedule of when the funds being requested are to be expended. Upon approval of the plan, each eligible county or eligible municipality as set forth in Section 420.9071(11), F.A.C., shall be eligible to request an initial amount not to exceed \$100,000 to establish a balance in the HHRP account and begin to fund expenses incurred including Administrative Expenditures. The initial request shall include all information required above in addition to the HHRP account information.

Specific Authority s. 3, ch. 2005-92, L. O. F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-29 Uses of and Restrictions Upon HHR Program Funds.

(1) HHR program funds shall be used to implement the Hurricane Housing Assistance Plan. The benefit of assistance provided through the HHR program must accrue to eligible persons occupying eligible housing. HHR program funds may be used for:

(a) Repair and replacement of site built housing;

(b) Land acquisition, through community land trusts or other means, for properties that may include scattered sites, community revitalization sites, and older manufactured home parks;

(c) Construction and development financing;

(d) Down payment, closing cost, and purchase price assistance for site-built and post-1994 Manufactured Homes where the wind load rating is sufficient for the location;

(e) Repair, replacement, and relocation assistance for post-1994 Manufactured Homes where the wind load rating is sufficient for the location, including those on leased land in stable park situations;

(f) Limited repair and relocation assistance on a case by case basis to pre-1994 Manufactured Homes and mobile homes;

(g) The acquisition of building materials for home repair and construction;

(h) Implementation of long-term recovery plans prepared through a locally initiated collaborative community partnership or in conjunction with the Department of Community Affairs and Federal Emergency Management Agency;

(i) Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;

(j) Foreclosure and eviction prevention, including monthly rental assistance for limited periods of time;

(k) Capital to leverage other private and public resources;
or

(1) Hazard mitigation strategies and techniques to reduce or eliminate the exposure of people’s lives or property to harm from a disaster.

(2) Each county’s allocation shall be used to meet hurricane housing recovery needs throughout the county. In the event that an eligible county and an eligible municipality within the county vie separately for funding slated for a county, the Corporation shall make a final determination of how funds shall be awarded. Criteria used to make this determination shall include the following factors:

(a) Amount requested;

(b) Number of households being served; and

(c) Strategies to be employed;

(3) The base allocation limits for eligible counties are as follows:

<u>Escambia</u>	<u>\$17,862,236</u>
<u>Charlotte</u>	<u>\$14,339,973</u>
<u>St. Lucie</u>	<u>\$16,417,481</u>
<u>DeSoto</u>	<u>\$8,147,644</u>
<u>Santa Rosa</u>	<u>\$10,930,493</u>
<u>Indian River</u>	<u>\$10,922,421</u>
<u>Hardee</u>	<u>\$5,924,895</u>
<u>Brevard</u>	<u>\$14,673,648</u>
<u>Polk</u>	<u>\$13,284,043</u>
<u>Okeechobee</u>	<u>\$5,380,098</u>
<u>Martin</u>	<u>\$6,605,068</u>
<u>Osceola</u>	<u>\$3,986,312</u>
<u>Palm Beach</u>	<u>\$6,401,838</u>
<u>Highlands</u>	<u>\$2,326,849</u>
<u>Volusia</u>	<u>\$3,730,122</u>
<u>Lee</u>	<u>\$2,502,896</u>
<u>Orange</u>	<u>\$4,393,483</u>
<u>Putnam</u>	<u>\$789,079</u>
<u>Marion</u>	<u>\$1,045,924</u>
<u>Okaloosa</u>	<u>\$1,004,135</u>
<u>Hendry</u>	<u>\$487,199</u>
<u>Dixie</u>	<u>\$451,839</u>
<u>Glades</u>	<u>\$382,944</u>
<u>Seminole</u>	<u>\$1,649,821</u>
<u>Lake</u>	<u>\$773,192</u>
<u>Sumter</u>	<u>\$434,729</u>
<u>Levy</u>	<u>\$383,163</u>
<u>Bradford</u>	<u>\$378,475</u>

(4) ELI supplemental funds shall be made available to each county to provide funding to households earning 30% or below the area median income. These funds may be used on any of the approved strategies in the HHAP so long as they are serving ELI households. If an eligible county’s ELI supplement is not requested by the eligible county or eligible municipality by September 15, 2005, the funds shall be allocated through the issuance of a request for proposals by the Corporation. Nonprofit, community-based organizations with housing experience may apply for a county’s ELI allocation. The amount of funding available for each county is as follows:

<u>Escambia</u>	<u>\$3,572,447</u>
<u>Charlotte</u>	<u>\$2,867,995</u>
<u>St. Lucie</u>	<u>\$3,283,496</u>
<u>DeSoto</u>	<u>\$1,629,529</u>
<u>Santa Rosa</u>	<u>\$2,186,099</u>
<u>Indian River</u>	<u>\$2,184,484</u>
<u>Hardee</u>	<u>\$1,184,979</u>
<u>Brevard</u>	<u>\$2,934,728</u>
<u>Polk</u>	<u>\$2,656,809</u>
<u>Okeechobee</u>	<u>\$1,076,020</u>
<u>Martin</u>	<u>\$1,321,014</u>
<u>Osceola</u>	<u>\$797,262</u>
<u>Palm Beach</u>	<u>\$1,280,368</u>
<u>Highlands</u>	<u>\$465,370</u>
<u>Volusia</u>	<u>\$746,024</u>
<u>Lee</u>	<u>\$500,579</u>
<u>Orange</u>	<u>\$878,697</u>
<u>Putnam</u>	<u>\$157,816</u>
<u>Marion</u>	<u>\$209,185</u>
<u>Okaloosa</u>	<u>\$200,827</u>
<u>Hendry</u>	<u>\$97,440</u>
<u>Dixie</u>	<u>\$90,368</u>
<u>Glades</u>	<u>\$76,589</u>
<u>Seminole</u>	<u>\$329,964</u>
<u>Lake</u>	<u>\$154,638</u>
<u>Sumter</u>	<u>\$86,946</u>
<u>Levy</u>	<u>\$76,632</u>
<u>Bradford</u>	<u>\$75,695</u>

(5) Community planning supplemental funds shall be distributed to each eligible county or eligible municipalities that submits as part of its HHAP, a summary of the collaborative efforts between it and other entities involved as part of the eligible county or eligible municipalities HHAP. Copies of interlocal agreements and contracts shall be submitted as attachments to the HHAP. The allocation of funds not requested prior to September 15, 2005 for the community planning supplemental allocation shall be determined through the issuance of a request for proposal by the Corporation. The funds shall be allocated based on the funding levels as follows:

<u>Escambia</u>	<u>\$2,381,632</u>
<u>Charlotte</u>	<u>\$1,911,996</u>
<u>St. Lucie</u>	<u>\$2,188,997</u>
<u>DeSoto</u>	<u>\$1,086,353</u>
<u>Santa Rosa</u>	<u>\$1,457,399</u>
<u>Indian River</u>	<u>\$1,456,323</u>
<u>Hardee</u>	<u>\$789,986</u>
<u>Brevard</u>	<u>\$1,956,486</u>
<u>Polk</u>	<u>\$1,771,206</u>
<u>Okeechobee</u>	<u>\$717,346</u>
<u>Martin</u>	<u>\$880,676</u>
<u>Osceola</u>	<u>\$531,508</u>
<u>Palm Beach</u>	<u>\$853,578</u>
<u>Highlands</u>	<u>\$310,247</u>
<u>Volusia</u>	<u>\$497,350</u>
<u>Lee</u>	<u>\$333,719</u>
<u>Orange</u>	<u>\$585,798</u>

<u>Putnam</u>	<u>\$105,211</u>
<u>Marion</u>	<u>\$139,457</u>
<u>Okaloosa</u>	<u>\$133,885</u>
<u>Hendry</u>	<u>\$64,960</u>
<u>Dixie</u>	<u>\$60,245</u>
<u>Glades</u>	<u>\$51,059</u>
<u>Seminole</u>	<u>\$219,976</u>
<u>Lake</u>	<u>\$103,092</u>
<u>Sumter</u>	<u>\$57,964</u>
<u>Levy</u>	<u>\$51,088</u>
<u>Bradford</u>	<u>\$50,463</u>

(6) No Administrative Expenditures may be used to pay for costs incurred prior to July 1, 2005. Eligible counties and eligible municipalities shall be allowed to use up to 15 percent of its allocation for costs to administer its program. An eligible county or eligible municipalities may subcontract their administrative functions, but in no case shall the administrative costs exceed 15 percent of the eligible county or eligible municipalities' allocation.

(7) At least 65% of the base allocation and community planning supplemental funds allocated to a county shall be used for home ownership. An eligible county and eligible municipalities shall provide justification for the need to use a higher percentage of its allocation for rental housing. The separate funding allocated for ELI households is exempt from the 65% requirement.

(8) With the exception of the income requirements and home ownership requirements, eligible counties and eligible municipalities shall be allowed to apportion their funds across their housing strategies as dictated by local needs.

(9) Eligible counties and eligible municipalities shall have two years to encumber funds for their intended use, and an additional year to fully expend the funds. If a local entity shows that it has been unable to fully expend the funds after this period, it may request a one year extension to this timeframe pursuant to subparagraph 67-37.005(6)(f)2., F.A.C. The Corporation shall grant that local entity an additional year to expend the funds upon receipt of the request.

(10) Eligible counties and eligible municipalities shall maintain the HHR program funds and any repayments, recoveries, or program income in a separate trust fund. The local entity shall use any such repayments, recoveries, or program income to further affordable housing objectives consistent with the HHR program, regardless of when such money is recycled. At the termination of the HHR Program, any such repayments, recoveries, or program income may be deposited into the local government's Local Housing Trust Fund.

(11) Any funds that are not encumbered by eligible counties or eligible municipalities by June 30, 2007, shall be re-offered by the Corporation to eligible counties and eligible municipalities with remaining hurricane housing needs.

(12) The Corporation shall approve expenditures for administration of the HHR program in accordance with subsection 67-37.007(4), F.A.C.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-30 Hurricane Housing Recovery Program Trust Fund.

(1) The HHR program trust fund account shall be separately stated as a special revenue fund in an eligible county's or eligible municipalities' audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(2) An eligible county and eligible municipalities which have had an audit, review or investigation involving HHR program funds shall send the Corporation a copy of any related report within 10 days of the issuance of such report.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-31 Annual Reports.

(1) Except in 2005, by September 15 of each year each eligible county and eligible municipalities shall submit a report using the HHR Annual Report, form AR05-1 (07/05), herein incorporated by reference with an effective date of 7/1/05, of its Hurricane Housing Recovery Program and accomplishments through June 30, immediately preceding submittal of the report. A copy of HHR annual report, form AR05-1 may be obtained at <http://www.floridahousing.org/Home/Disaster/HHRPANReport.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) In addition to the report mentioned in (1) above, counties and SHIP eligible municipalities utilizing any HHR program funds must provide a list of recipients by strategy including names, addresses, and zip codes to Florida Housing Finance Corporation.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

67ER05-32 Compliance Monitoring for Housing Developed With HHR Program Funds.

(1) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan must develop a tracking system to ensure that the hurricane housing distribution funds disbursed from the hurricane housing assistance trust fund are at all times expended in accordance with the set-aside requirements in subsection 67-37.007(2), F.A.C., and time restraints detailed at subsection 67-37.005(6), F.A.C.

(2) The combined household annual gross income of an applicant who is applying as an owner/occupant of a residence must be verified and certified by the local Hurricane Housing Recovery Program administrator or his/her designee using income verification and certification procedures as established

by the U.S. Department of Housing and Urban Development (HUD), Occupancy Handbook 4350.3 (05/03), Chapter 5, Appendix 3, and Appendix 15-C, hereby incorporated by reference. Copies of these materials may be obtained by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida or obtained at <http://www.floridahousing.org/Home/Disaster/HUDOccHndbk.htm>. Whichever verification and certification method is used, annual gross income must be used and the HHR program income limits cannot be exceeded.

(3) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at subsection (2) above, for the term of the HHR Program. The Corporation shall monitor the activities of the local governments to determine compliance with program requirements. To ensure that communities are capable of addressing rental housing needs for hurricane recovery, eligible counties and eligible municipalities are required to perform only an initial certification of income upon move-in of the first household into a rental unit, as long as no more than \$10,000 has been provided for assistance to the unit, and the housing unit is located in a census block group in which more than 51 percent of the households have incomes at or below 80 percent of the area median income. No continuing compliance monitoring shall be required on these units.

(4) The Corporation, or its designated monitoring agent, shall be permitted to inspect the Hurricane Housing Assistance Plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, plan tracking records, construction cost verification including receipts and contracts, and any other applicable documents at any reasonable time with or without notice. Such records must be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

(5) If the Corporation staff or its designated monitoring agent determines that an eligible jurisdiction has established a pattern of violation by not complying with the criteria of its Hurricane Housing Assistance Plan established under these rules or Sections 420.907-9079, F.S., or that an eligible sponsor has established a pattern of violation by not complying with the applicable award conditions, the Corporation shall report such pattern of violation to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality will be suspended. The eligible jurisdiction shall develop a corrective action plan (CAP). The CAP shall be submitted to the Corporation within 60 days of the date of a letter from the Corporation, pursuant to Section 420.9075(12), F.S. notifying the eligible jurisdiction of the pattern of violation. The CAP must describe the proposed corrective action for each violation and how the correction

actions will be implemented within 3 months of the CAP's approval by the Corporation. Upon receipt of the CAP, the Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP and correction of the violation, program funds will be distributed.

(6) If the Corporation's staff or its designated monitoring agent determines that the corrective actions have not been implemented, the Corporation shall report such pattern of violation of criteria or violation of award conditions to the Executive Office of the Governor. The distribution of program funds to the eligible county or eligible municipality will be suspended until such time as the corrective plan of action has been implemented, at which time funds will be distributed.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 12-27-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 27, 2005

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on December 27, 2005, South Florida Water Management District (District) received an Amended Petition for waiver from Miami-Dade County Public Works, Application No. 05-1103.1, for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County, to include the installation of guardrail, five (5) feet from the top of canal bank within the westerly right of way of C-2 at the District's four (4) maintenance access openings along S.W. 117th Avenue between S.W. 43rd Street to S.W. 59th Street, Miami-Dade county, Section 7, Township 50 South, Range 40 East. The Amended petition seeks relief from subsection 40E-6.011(4), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@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: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that on November 29, 2005, it issued an Order Granting Variance Requests in response to a petition filed on September 6, 2005 and advertised in FAW Vol. 31, No. 38, by Patricia Serley of Otis Elevator regarding Harbour Pointe Condominium (VW2005-134). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

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

The Bureau of Elevator Safety hereby gives notice that on November 29, 2005, it issued an Order Granting Variance Requests in response to a petition filed on September 14, 2005 and advertised in FAW Vol. 31, No. 41, by Patricia Serley of Otis Elevator regarding Elation at the Grand Sandestin (VW2005-140). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

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

The Bureau of Elevator Safety hereby gives notice that on November 29, 2005, it issued an Order Granting Variance Requests in response to a petition filed on September 20, 2005 and advertised in FAW Vol. 31, No. 41, by Rick Dayton of Otis Elevator regarding Seacrest Condominium (VW2005-142). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with