

coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation will disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10% per Draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the RRLP loan agreement.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

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: January 1, 2006

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

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on December 20, 2005 from Coral Key, LLC. Pursuant to Section 120.542, Florida Statutes, Coral Key, LLC is seeking a variance from paragraph 40C-4.301(1)(k) and subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005), (A.H.), with respect to Environmental Resource Permit (ERP) Application 40-009-16558-6. The permit applicant is proposing to construct a residential development project, known as Coral Key Subdivision in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-139.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that a Petition for Variance was received on January 5, 2006 from Florida Hospital Waterman, 1000 Waterman Way, Tavares, Florida 32778. This petition involves applicable Rules 59G-6.020 and 59G-6.030, F.A.C., which incorporate by reference the Florida Title XIX Payment Methodology for Inpatient and Outpatient Hospital Services respectively.

Information regarding this petition may be obtained by writing: Jim Guyton, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 3, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), F.A.C., from Vejigante (Latin Food) located in Orlando. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on December 30, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(5), F.A.C., from Treasure Island located in Pompano Beach. The above referenced Florida Administrative Codes address food equipment, utensils, and linens as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter four of the FDA Food Code. They are requesting to operate without a three-compartment sink or other methods of warewashing.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on December 6, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Julia's Lunchbox located in Naples. The above referenced Florida Administrative Codes 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.

The variance request was approved January 4, 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 the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.016(1)(c), F.A.C., 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 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); 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 tank must be 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 the mobile unit at all times of operation and shall be adhered to as approved by the Division. 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, F.S.

NOTICE IS HEREBY GIVEN that on December 6, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Yolanda Rojas located in Lehigh Acres. The above referenced Florida Administrative Codes 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.

The variance request was approved January 4, 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 the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), F.A.C., 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 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); 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 tank must be 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 the mobile unit at all times of operation and shall be adhered to as approved by the Division. 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, F.S.

NOTICE IS HEREBY GIVEN that on November 30, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Santa Cruz Mexican Food located in Orlando. The above referenced Florida Administrative Codes 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 January 4, 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 the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), F.A.C., 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 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); 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 tank must be 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 the MFDV at all times of operation and shall be adhered to as approved by the Division. 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, F.S.

NOTICE IS HEREBY GIVEN that on December 15, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Nila Catering Services located in Orlando. The above referenced Florida Administrative Codes 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.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on December 8, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Rafael's Fast Food located in Orlando. The above referenced Florida Administrative Codes 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 requested was denied January 6, 2006, because the Petitioner failed to contact the Division regarding deficiencies in the submitted variance application that consists of: no written request for variance, incomplete operating procedures, and no updated drawings of the Mobile Food Dispensing Vehicle (MFDV). Granting this variance in its current format would create an undesirable precedent, upon which all MFDV's could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by this Division.

NOTICE IS HEREBY GIVEN that on January 4, 2006, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), F.A.C., from A & D Manila Bakery located in Jacksonville. 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.... They are requesting a variance to not add a bathroom facility for customer use.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection 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 HEALTH

The Board of Dentistry hereby gives notice that it has received a petition filed on January 10, 2006, by The State of Florida, Department of Children and Families, Florida State Hospital, seeking a variance or waiver from Rule 64B5-17.015, F.A.C., concerning the requirement to provide an AED (defibrillator) on site in every dental office location, beginning February 28, 2006.

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, Board of Dentistry, at the above address.

The Board of Dentistry hereby gives notice that it has received a petition filed on November 17, 2005, by Susan Sheahan, D.M.D., seeking a variance or waiver from Rule 64B5-14.005, F.A.C., concerning the requirement to document administration of anesthetics to 20 patients within 2 years of applying for a conscious sedation permit.

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, Board of Dentistry, at the above address.

NOTICE IS HEREBY GIVEN THAT ON January 10, 2006, the Board of Dentistry received a Petition for Variance or a Waiver of subsection 64B5-7.005(1), F.A.C., from Laurance Jerrold, D.D.S. The Petition requests a Variance or a Waiver of the rule that specifies that a teaching permit not be issued to a faculty member who has failed the Florida dental licensure examination.

Comments on this Petition should be filed with: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The Department of State, Division of Historical Resources, Bureau of Historic Preservation, Florida National Register Review Board Meeting announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, February 17, 2006, 9:00 a.m.

PLACE: Conference Room, R. A. Gray Building, Room 307, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to review National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Division of Historical Resources, Bureau of Historic Preservation, Attn: Survey and Registration Section, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

Some Florida National Register Review Board Members may participate by telephone conference call.