

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

67ER06-40 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which has been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury’s procedure or procedures for completing the transfer of ownership and utilizing the Housing Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 Calendar Days of the transfer of the Housing Credit Development.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

67ER06-41 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit Extended Use Period for any building shall terminate upon the date a building is acquired through foreclosure or instrument in lieu of foreclosure. Pursuant to Section 42(h)(6)(E)(ii) of the IRC, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

**Section V**  
**Petitions and Dispositions Regarding Rule**  
**Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on June 22, 2006, from Citrus County. The petitioner seeks a waiver of subsection 9B-43.014(4), Fla. Admin. Code, with respect to the requirement that the county hold a public hearing prior to amending its subgrant activities work plan. The petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-159, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**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 June 23, 2006, South Florida Water Management District (District) received a petition for waiver from Richard F. Rendina, Application No. 06-0623-2, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County for three (3) existing culverts within the north right of way of C-51 between Dixie Highway and the Florida East Coast Railway, Section 16, Township 44 South, Range 43 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the invert elevation for culverts within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto: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**

NOTICE IS HEREBY GIVEN that on June 13, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Costa Azul Catering located in Fort Pierce. 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 June 21, 2006, and is contingent upon Petitioner’s use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer’s specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon

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

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

Copies of the variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on June 15, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Maw Maw's Country Kitchen located in Sandestin. 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 does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 60 and use public bathroom facilities located in the village of Baytowne Wharf.

This variance request was approved June 21, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than sixty (60) seats in the establishment, which includes any outside seating. 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.

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NOTICE IS HEREBY GIVEN that on June 8, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from 903 Mills Market located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for fifty (50).

This variance request was approved June 21, 2006, and is contingent upon Petitioner ensuring the public restroom inside 903 Mills Market 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 forty-two (42) 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.

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NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Yummy located in Oakland Park. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty (20).

This variance request was approved June 21, 2006, and is contingent upon Petitioner ensuring the public restroom inside Yummy's 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 twenty (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on June 6, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Costello's Catering & Deli located in Sanford. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for thirty (30).

This variance request was approved 6/21/2006, and is contingent upon Petitioner ensuring the public restroom inside Costello's Catering & Deli 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 thirty (30) 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.

NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0161(1)(c), Florida Administrative Code, from Brevard Zoo located in Melbourne. The above referenced F.A.C. addresses potable water supply and adequate facilities for the disposal of liquid and solid waste. They are requesting a temporary variance, four months, to operate a mobile unit with fresh and wastewater tanks for potable water and sewage disposal until the permanent structure is remodeled.

This variance request was approved June 21, 2006, and is for only four months from the date the approved variance is date stamped by the Agency Clerk. Wastewater holding tanks(s) are to be emptied as needed as to prevent a sanitary nuisance. Approval is also contingent upon Petitioner strictly adhering to the following operating procedures: supply for potable water tank must be from an approved source; sanitize fresh water and wastewater tanks at least once every 24 hours with an approved sanitizer. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Fausto Catering. 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.

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.

The Board of Accountancy hereby gives notice that it has received an emergency petition, filed on June 20, 2006, by Hope J. Barron, seeking a variance or waiver of subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that inactive licensees must satisfy the requirements of their last reestablishment period, plus complete at least 32 additional hours due to the license being inactive.

Comments on this petition should be filed with the: Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact: John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

#### 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 VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a State Library Council Meeting. All persons are invited.

DATE AND TIME: Wednesday, August 23, 2006, 8:00 a.m. – 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc., Board of Directors and State Library Council members will discuss the progress of the newly formed community support organization and review its membership promotional brochure.

For additional information contact: Judith A. Ring, State Librarian, (850)245-6600 or Suncom 205-6600.