

(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) All of the following fees are part of Development Cost and can be included in the Development Cost pro forma and paid with FHRP or SHADP loan proceeds: credit underwriting, compliance monitoring, financial monitoring, and construction inspection.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

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

EFFECTIVE DATE: August 7, 2006

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

### DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 30, 2006, the Department of State filed the City of North Miami’s initial Petition for Waiver or Variance of Section IX(H) of the Public Library Construction Grant Guidelines. These Guidelines are incorporated by reference into Rule 1B-2.011, F.A.C., and give a recipient of a Public Library Construction Grant, 540 days from the date of the grant award to place the construction project under contract, unless the recipient is involved in litigation. Notice of the City’s petition was published in the April 28, 2006 issue of the Florida Administrative Weekly. On August 8, the Department of State entered its order disposing of the City of North Miami’s amended petition by granting the requested variance, and extending the deadline for the City to enter into a construction contract until June 30, 2008. The general basis for the Department of State’s decision is: 1) the City was delayed, in part, by hurricane damage in 2005; and 2) in part by its decision to include its new library as part of a City/County public complex, which maximizes the use of public funds and library services. The City would forfeit a \$500,000 library construction grant for its new library if the Department of State strictly applied the subject rule to the petitioner, which would violate principles of fairness.

A copy of the petition and the order of disposition may be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

### 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.”

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Mariposa Utility Company, LLC, in Docket No. 060276-WS, seeking a temporary waiver of paragraphs 25-30.033(1)(j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code. The petition requests that these portions of the rule, which address information required for setting initial rates in original water and wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding. Comments on the petition should be filed with the Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/dockets/cms/>, or by writing to the above address. For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on July 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2006-51), to Calvary Chapel of Melbourne. The Petition for Variance was received by SJRWMD on April 13, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No. 23 on June 9, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the

Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

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The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on July 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2005-138), to KB Home Treasure Coast, LLC (Petitioner). The Petition for Variance was received by SJRWMD on December 8, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 51 on December 23, 2005. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

NOTICE IS HEREBY GIVEN that on August 3, 2006, South Florida Water Management District (District) received a petition for waiver from Palm Beach County Water Utilities Department, Application No. 06-0627-1, for utilization of Works or Lands of the District known as the C-18 Canal, Palm Beach County for the proposed installation of water and wastewater transmission pipelines within the C-18 right of way; Sections 28, 32 & 33, Township 43 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the installation of water and wastewater transmission lines 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.

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NOTICE IS HEREBY GIVEN that on August 3, 2006 South Florida Water Management District (District) received a petition for waiver from Palm Beach County Water Utilities Department Application No. 06-0627-1, for utilization of Works or Lands of the District known as the C-18W Canal, Palm Beach County for proposed buried water and wastewater transmission pipelines within the northwesterly right of way of C-18W, Sections 28, 32 & 33, Township 43 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which prohibits the placement of transmission lines 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.

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NOTICE IS HEREBY GIVEN that on August 4, 2006, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from Mark Youmans, Jerner & Associates, Inc., on behalf of Catherine Zippay, Application No. 06-0605-1, for utilization of Works or Lands of the District known as the L-47 Canal, Section 8, Township 39S, Range 37E, Martin County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 32, No. 29, on July 21, 2006. No public comment was received. Ninety-day deadline for action on Right of Way Permit Application continues to be waived.

A copy of the withdrawal request may be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or e-mail at kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on August 2, 2006, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from Richard F. Rendina, Managing Partner, Dixie Mews, LLC, Application No. 06-0623-2, for utilization of Works or Lands of the District known as the C-51 Canal, Section 16, Township 44S, Range 43E, Palm Beach County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 32, No. 28, on July 14, 2006. No public comment was received.

A copy of the withdrawal request may be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or e-mail at kruff@sfwmd.gov.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 1, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code from Cruz Catering Corporation located in Orlando. The above referenced 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.

NOTICE IS HEREBY GIVEN that on July 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Roly Poly Sandwiches located in Fort Myers. 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 an additional bathroom facility for customer use and have a seating capacity of fourteen (14).

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 Construction Industry Licensing Board hereby gives notice that it has received a Petition for Waiver or Variance, which was filed on July 17, 2006, by James M. Power (Petitioner). Petitioner is seeking a waiver or variance of subsection 61G4-18.001(9), Florida Administrative Code, with regards to the continuing education requirements while the licensee is in inactive status. Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this Notice.

The Board will consider the Petition at its meeting, to be held on September 13, 2006, in Tampa, Florida.

For a copy of the Petition, contact: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at the above address.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT ON August 2, 2006, the Department of Health, filed an Order disposing of a Petition for Variance from the requirements of paragraph 64E-15.002(2)(b), F.A.C., as filed by Thomas B. Hart, Esquire, Attorney for Petitioner, Islanders' landing, Inc. The petition was filed with the Department on February 8, 2006 and noticed in the Florida Administrative Weekly on February 24, 2006, in Vol. 32, No. 8. The Department requested additional information from the Petitioner on February 27, 2006 and the information was received on May 5, 2006. Subsection 64E-15.002(2)(b), F.A.C., relates to minimum lot size and minimum lot width for double wide mobile homes. The Department determined that Petitioner did not put forth any reason showing how the granting of the variance would serve the underlying purposes of the statute nor did Petitioner put

forth any facts that would demonstrate a substantial hardship or a violation of the principles of fairness. Therefore, the Petition for a permanent Variance was DENIED.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850) 245-4005.

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NOTICE IS HEREBY GIVEN that on July 24, 2006, the Department of Health received a petition from Michael Gauthier requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subsections 64E-6.013(2), (6), (7) and (8), Florida Administrative Code, which requires grease interceptors to be made of fiberglass, concrete or polyethylene; have compartments no larger than 1250 gallons; and be interconnection by 4-inch diameter hole.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 7, 2006 Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.007, Florida Administrative Code, and subsection 67-48.002(116), F.A.C. (2002) from Oak Crest Apartments RRH II, Ltd., L.L.L.P., ("Petition"). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, F.A.C. (2002), and subsection 67-48.002(116), F.A.C. (2002).

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

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of subsections 67-48.002(30), 67-48.002(32), 67-48.010(5) and 67-48.0072(10) (2005), Florida Administrative Code, from Royalton Apartments, Ltd. ("Petition"). The Petition is seeking a waiver or variance to allow for the deposit of all Development Cash Flow into a reserve account and a waiver of minimum combined debt service coverage "DSC" requirements.

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

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of subsections 67-48.002(33), 67-48.002(35), 67-48.010(5) and 67-48.012(2)(g) (2004), Florida Administrative Code, from Royalton Apartments, Ltd. ("Petition"). The Petition is seeking a waiver or variance to allow for the deposit of all Development Cash Flow into a reserve account and a waiver of minimum combined debt service coverage "DSC" requirements.

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

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.007 (2002), Florida Administrative Code, and Rule 67-48.002(116) (2002) from Pelican Cove RRH, Ltd. ("Petition"). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, FAC, and to subsection 67-48.002(116), FAC.

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

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(m), Florida Administrative Code, from Pollywog Creek, LLC ("Petition"). The Petition is

seeking a waiver from paragraph 67-48.004(14)(m), Florida Administrative Code, which prohibits an applicant from changing its funding request.

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

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, and Florida Arts Council, announce public meetings to which all persons are invited:

DATE AND TIME: September 13, 2006, 8:30 a.m.

PLACE: Crowne Plaza Hotel Melbourne, 2605 North A1A Highway, Melbourne, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Arts Council Meeting. To conduct general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website at [www.Florida-Arts.org](http://www.Florida-Arts.org); or by contacting: Dianne Alborn, Executive Assistant, at 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250; (850)245-6473; or by email at [dalborn@dos.state.fl.us](mailto:dalborn@dos.state.fl.us). Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 8th day of September 2006, if you need an accommodation. Accommodations can be arranged through Morgan Lewis,

ADA Coordinator for the Division of Cultural Affairs, at (850)245-6356, by fax at (850)245-6497, or by email at [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us).

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** will meet:  
DATE AND TIME: Friday, September 8, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Buena Vista Palace, Lake Buena Vista, Florida

Members of the public are welcome. For more information, please contact Anne Vuxton at (850)410-0935.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATES AND TIME: September 19, 2006, 9:00 a.m. – 12:00 Noon; October 18, 2006, 9:00 a.m. – 12:00 Noon

PLACE: The September 19, 2006 meeting will be held at the Mid Florida Research & Education Center, 2725 Binion Road, Apopka, FL. Tel: (407)884-2034. Directions can be obtained from (<http://www.mrec.ifas.ufl.edu/>); The October 18, 2006 meeting will be held at the Conner Building Training Room, basement of 3125 Conner Blvd., Tallahassee, FL 32399-1650. tel: (850)488-7447.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible changes to Chapter 482, F.S., the Florida Structural Pest Control Act.

A copy of the agenda may be obtained by contacting: Steven Dwinell, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Tel: (850)488-7447.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Steven Dwinell, Department of Agriculture & Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Tel: (850)488-7447.

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel and an Administrator Hearing Panel; all persons are invited.

DATES AND TIMES: An Administrator Hearing Panel, August 24, 2006, 9:00 a.m.; A Teacher Hearing Panel will follow immediately after the Administrator Panel; A Teacher Hearing Panel, August 25, 2006, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the