

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

**DEPARTMENT OF STATE**

NOTICE IS HEREBY GIVEN that on November 27, 2006, the Department of State received a Petition for Variance of section IX(H) of the Public Library Construction Grant Guidelines, which is incorporated by reference into Rule 1B-2.011, F.A.C. The Petition is seeking a variance from the rule that gives a recipient of a public library construction grant, 540 days from the date of the grant award to place the construction project under contract. There are no exceptions to this requirement unless the grant recipient is involved in litigation.

A copy of this petition can be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250. The Department of State will accept comments concerning this 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: Department of State, Office of the General Counsel, 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."

**DEPARTMENT OF WATER MANAGEMENT**

NOTICE IS HEREBY GIVEN that on November 7, 2006, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County Public Works Department, Application No. 06-1107-1, Permit Modification Number 4582 for utilization of Works or Lands of the District known as the C-6 Canal, Miami-Dade County for the replacement of the N. W. 138th Street Bridge crossing C-6, Section 30, Township 52 South, Range 40 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida

Administrative Code, which governs the minimum low member elevation for pile-supported structures 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](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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on November 6, 2006, South Florida Water Management District (District) received a petition for waiver from Teodoro Iturrioz, Application No. 06-1106-3, for utilization of Works or Lands of the District known as the C-1 Canal, Miami-Dade County, for permitting existing landscaping along the east right of way of the C-1 Canal, Section 9, Township 55 South, Range 39 East. The petition seeks relief from subsections 40E-6.011(4), and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet from the top of 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](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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on November 30, 2006, South Florida Water Management District (District) received a petition for waiver from Wayne Finn, Application No. 06-1025-3, for utilization of Works or Lands of the District known as the C-7 Canal, Miami-Dade County, for replacement of existing fence located at top of bank along north right of way of C-7 Canal, Section 23, Township 53 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4), and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet from the top of 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](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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on November 29, 2006, South Florida Water Management District (District) received a petition for waiver from Lago Hollywood LLC, Application No. 06-0821-2, for utilization of Works or Lands of the District known as the C-10 Canal, Palm Beach County for a 14 slip marina consisting of a 3' x 347' marginal dock located within the east right of way of C-10 approximately 300' northerly of Taft Street, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the low member elevation of docks 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**

NOTICE IS HEREBY GIVEN that on October 12, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(d), subsection 61C-4.010(5), and paragraph 61C-4.010(7)(e), Florida Administrative Code from B & S Dockside Grill located in Palmetto. The above referenced Florida Administrative Code specifically address the proper disposal of sewage and adequate bathroom facilities for fixed establishments. This establishment is currently licensed as a Mobile Food Dispensing Vehicle, but is requesting to operate as a fixed establishment with seating.

This variance was approved November 29, 2006, and is contingent upon the Petitioner ensuring the portable bathroom is functional, has running water at all times, provided with soap, provided with an approved method to dry hands, kept in a clean and sanitary manner, and waste is disposed of at intervals as to not create a sanitary nuisance. The Petitioner shall also notify guests to the location of the public bathroom facilities by directional signage which shall not exceed three hundred (300) feet from the vessel. Seating shall not exceed sixteen (16) which includes all seating. All hand sinks used for employee handwashing shall contain hot running water as defined in the 2001 FDA Food Code Section 5-202.12(A). All waste disposal shall be adhered to as specified in applicable state and federal laws. This variance is not transferable under any conditions. 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 November 14, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code from Hospitality Solutions of Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved November 28, 2006, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

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

NOTICE IS HEREBY GIVEN that on October 30, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from King Wok of Jacksonville located in

St. Augustine. 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 Petitioner is requesting to use the one existing bathroom facility and a neighboring establishment, but have seating of twenty (20).

This variance request was approved November 28, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of King Wok of Jacksonville, Inc. 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. The Petitioner shall also notify guests to the location of the public bathroom facilities inside of Village Grill & Subs by directional signage, ensuring the bathroom is functional, has 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.

NOTICE IS HEREBY GIVEN that on November 8, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code from Run Around Sue's located in Vero Beach. The above referenced F.A.C. states places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use an adjacent establishment's bathroom facilities for customer use.

This variance request was approved November 28, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, ensuring the bathroom inside of "C'ya at the Thrift" is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. There will be no seating allowed inside or outside of the establishment. 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 Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 21, 2006, the Board of Professional Engineers, received a petition for Variance or Waiver filed on November 21, 2006 on behalf of Peter Rizov. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 61G15-20.002, F.A.C., which is entitled "Experience." Specifically, the Petitioner, who has accumulated professional grade experience but not post-graduation, requests for reasons

set forth in the petition a waiver of Rule 61G15-20.002, F.A.C., in its requirement that the qualifying experience to sit for the P&P examination be post-graduation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN that on November 27, 2006, the Board of Accountancy, received a petition for James N. Bell, C.P.A., seeking a variance or waiver of paragraph 61H1-33.003(1)(a), F.A.C., and the requirement that a licensee complete at least four hours of Board-approved continuing education credits in ethics within the licensee's reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on November 27, 2006, the Board of Accountancy, received a petition for Douglas R. Horner, seeking a variance or waiver of subsection 61H1-33.006(2), F.A.C., and the requirement that required continuing professional education hours have been completed in the 24 months immediately proceeding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

#### **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."

NOTICE IS HEREBY GIVEN that on November 29, 2006, the Department of Environmental Protection, Northeast District has issued an order.

Notice of receipt of this petition from Taylor Coastal Water and Sewer District was published in the F.A.W., on October 6, 2006. The petition requested a temporary variance from the requirement for the lead/chief operator at a Class C drinking water treatment plant to be a Class C or higher licensed water treatment plant operator under paragraph 62-699.310(4)(e), F.A.C. The water treatment plant operated by Petitioner

currently employs a Class D water treatment plant operator, and Petitioner requested that he be allowed to continue as the lead/chief operator until September 1, 2009. No public comment was received. The Order, OGC No.: 06-1926, granted the Petition based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner, and that based on actual flow at the plant it had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: John Davis, Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256, (904)807-3313.

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NOTICE IS HEREBY GIVEN that on August 3, 2006, the Department of Environmental Protection has issued an order.

The final order denied a petition for waiver or variance from Dan Massey II in OGC Case No. 06-0791. Notice of receipt of this petition was published on the Department's official internet noticing website on March 31, 2006. No public comment was received. In the Petitioner's response to the Department's request for additional information he amended the petition to specifically seek waiver of paragraph 62-312.370(1)(a) and Rule 62-312.390, F.A.C.; and variance from subsections 40E-4.301(1) and (3), paragraphs 40E-4.302(1)(a) and (b), subsections 62-312.060(10), 62-312.300(3), 62-312.320(3), Rules 62-312.330 and 62-312.340, F.A.C. The final order dismissed the portions of the petition related to waiver and variance from sections of Chapter 62-312, F.A.C., since that rule chapter only applies to projects within the geographical boundaries of the Northwest Florida Water Management District. The rules that govern Mr. Massey's petition are the environmental resource permitting (ERP) rules of the South Florida Water Management District in rule Chapter 40E-4, F.A.C., adopted by the Department. Subsections 40E-4.301(1) and (3), and paragraphs 40E-4.302(1)(a) and (b), F.A.C., implement the ERP program under Part IV of Chapter 373, F.S. The final order found that Mr. Massey did not demonstrate that obtaining the required permit and complying with the relevant permitting criteria would create a substantial hardship or violate principles of fairness. The Department found that authorizing the proposed impact to 17,805 square feet of wetlands for construction of a single-family residence, driveway, onsite sewage disposal system, well, and yard, without adequate mitigation to offset these impacts will not conserve and protect water quality for the propagation of wildlife and fish and other aquatic life. Inadequate mitigation to offset the proposed impact will not achieve the Department's statutory mandate to account for cumulative impacts on water resources and management of water resources to ensure their sustainability. Therefore, the underlying purposes of Part IV, Chapter 373, F.S., were not met.

A copy of the Order may be obtained by contacting: Francine M. Ffolkes, Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, FL 32399-3000, (850)245-2225.

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NOTICE IS HEREBY GIVEN that on August 3, 2006, the Department of Environmental Protection has issued an order.

The final order denied a petition for waiver or variance from David Massey in OGC Case No. 06-0789. Notice of receipt of this petition was published on the Department's official internet noticing website on March 31, 2006. No public comment was received. In the Petitioner's response to the Department's request for additional information he amended the petition to specifically seek waiver of paragraph 62-312.370(1)(a) and Rule 62-312.390, F.A.C.; and variance from subsections 40E-4.301(1) and (3), paragraphs 40E-4.302(1)(a) and (b), subsections 62-312.060(10), 62-312.300(3), 62-312.320(3), 62-312.330, and Section 62-312.340, F.A.C. The final order dismissed the portions of the petition related to waiver and variance from sections of Chapter 62-312, F.A.C., since that rule chapter only applies to projects within the geographical boundaries of the Northwest Florida Water Management District. The rules that govern Mr. Massey's petition are the environmental resource permitting (ERP) rules of the South Florida Water Management District in rule Chapter 40E-4, F.A.C., adopted by the Department. Subsections 40E-4.301(1) and (3), and paragraphs 40E-4.302(1)(a) and (b), F.A.C., implement the ERP program under Part IV of Chapter 373, F.S. The final order found that Mr. Massey did not demonstrate that obtaining the required permit and complying with the relevant permitting criteria would create a substantial hardship or violate principles of fairness. The Department found that authorizing the proposed impact to 11,310 sq. feet of wetlands for construction of a single-family residence, driveway, onsite sewage disposal system, well, and yard, without adequate mitigation to offset these impacts will not conserve and protect water quality for the propagation of wildlife and fish and other aquatic life. Inadequate mitigation to offset the proposed impact will not achieve the Department's statutory mandate to account for cumulative impacts on water resources and management of water resources to ensure their sustainability. Therefore, the underlying purposes of Part IV, Chapter 373, F.S., were not met.

A copy of the Order may be obtained by contacting: Francine M. Ffolkes, Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2225.

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NOTICE IS HEREBY GIVEN that on October 20, 2006, the Department of Environmental Protection has issued an order.

The final order in OGC Case No.03-0656 granted variances from or waivers of paragraphs 62-610.563(3)(d), (e) and (f), 62-610.563(6)(c), Rule 62-610.564, subsections

62-610.567(2), 62-610.568(4), paragraphs 62-610.568(5)(a) and (b), subsections 62-610.568(7), 62-610.571(1), 62-610.573(3), and 62-610.574(3), F.A.C. to Destin Water Users, Inc. The final order granted variances and waivers that are permanent and are conditioned as follows:

1. If the Sand and Gravel Aquifer were ever used as a potable water supply by DWU, any wells constructed into the Sand and Gravel Aquifer within one mile of the proposed injection system would be treated with reverse osmosis or a higher treatment level prior to discharge into the DWU potable water system. Existing or future DWU potable wells within one mile of the proposed injection system shall not be required to have additional treatment if the wells are in the deeper Floridan Aquifer.
2. DWU proposes to construct the injection wells on property owned by DWU at the water reclamation facility and the Morgan Sports Complex. The wells will be located as centrally as possible on those parcels given the existing land use constraints. Both the water reclamation facility and Morgan Sports Complex sites are already developed. The wells would be constructed within close proximity to existing reclaimed water lines and the proposed well location must not interfere with the existing land use. Separate UIC construction and operation permits and a domestic wastewater permit revision will be obtained from the Department for the proposed injection wells.
3. DWU agrees to record deed restrictions on the water reclamation facility and Morgan Sports Complex properties that would prohibit the construction of potable wells into the Sand and Gravel Aquifer on those properties.
4. Subsection 62-610.567(2), F.A.C. DWU shall provide as part of the operating protocol developed under subsection 62-610.568(7), F.A.C., a detailed operating protocol that will address how the shallow well system will be taken off line if required water quality cannot be maintained. The fail safe mechanism in the protocol will include SCADA alarms and operator actions. Operator actions will include the diversion of flow to reject storage or the management of the water through other permitted facilities.
5. Subsection 62-610.568(4), F.A.C. TOC and TOX sampling and testing shall be conducted only during periods of injection. DWU shall sample and test once per injection period or once per injection week.
6. Paragraph 62-610.568(5)(a), F.A.C. DWU shall sample and test for total coliform each day of injection. DWU's proposed wet weather injection system will be used on an infrequent basis and daily fecal coliform sampling and testing is already in place.
7. Paragraph 62-610.568(5)(b), F.A.C. DWU shall sample and analyze seven times in the first year the parameters listed as primary drinking water standards that are imposed as reclaimed water limits.

8. Subsection 62-610.568(7), F.A.C. Due to DWU's variance from subsection 62-610.567(2), F.A.C., the operating protocol does not require fail safe "lock out" capability.
9. Subsection 62-610.571(1), F.A.C. The 500-foot setback distance from potable water supply wells is not required for DWU's existing potable supply wells Nos. 2 and 3.
10. Subsection 62-610.573(3), F.A.C. DWU shall provide reject volume capacity equal to one day flow at the average daily design flow of the treatment plant or the average daily permitted flow of the reuse system, whichever is less.

Destin Water Users, Inc., construction and operation of the proposed injection well project, which was the subject of these variances and waivers, shall be authorized by future revision to wastewater permit (FLA010194) and a separate Underground Injection Control (UIC) permit.

A copy of the Order may be obtained by contacting: Francine M. Ffolkes, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, (850)245-2242.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT ON November 6, 2006, the Department of Health, filed an Order disposing of a petition for waiver from the requirements of Rules 64E-15.004(5) and 64E-15.005(2), F.A.C., as filed by Community Trailer Park. The petition was filed with the Department on September 15, 2006, and noticed in the F.A.W., on October 6, 2006, in Vol. 32, No. 40.

The Department determined that Petitioner was able to demonstrate that the underlying statute will be achieved or has been achieved by other means and that application of the rules would create a substantial hardship. Therefore, the petition for a permanent waiver is GRANTED.

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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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on December 1, 2006, the Florida Housing Finance Corporation, received a petition for Waiver/Variance of subsection 9I-35.006(6), F.A.C. from Liberty Center for the Homeless, Inc. ("Petition"). The Petition is seeking a variance of the requirement which imposes certain conditions on mortgage loans issued by the Corporation under the SAIL program.

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 EDUCATION

The **Department of Education, Division of Blind Services'** Business Enterprises Program announces a special Teleconference Meeting of the State Committee of Vendors, Sub-Committee for Transfer and Promotion and the Selection Panel.

DATE AND TIME: January 5, 2007, 3:00 p.m. – 4:00 p.m. or when all business is concluded

PLACE: To attend this teleconference meeting an interested party will need to call Toll Free 1(888)808-6959. When prompted, enter the Conference Code 2450312 followed by the # (pound sign).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Current Selection Panel methodology and potential alterations for improvement.

### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** (DCA) announces a public hearing, and the opening of a public comment period, on the proposed Action Plan related to Community Development Block Grant disaster relief funding provided by the U.S. Department of Housing and Urban Development (HUD) (Docket No. FR-5089-N-01, Federal Register / Vol. 71, No. 209; Department of Defense Appropriations Act, 2006). The State of Florida is required to submit an Action Plan to the U.S. Department of Housing and Urban Development (HUD) by December 30, 2006, in order to receive this supplemental funding. The Action Plan must contain specific elements outlined in federal regulations, including the method by which the funding will be allocated.

Congress allocated the supplemental funding for the purpose of assisting in the recovery from the federally declared disasters noted in the above-mentioned issue of the Federal Register. The Action Plan proposes to use the funds for housing-related mitigation activities. Urban Entitlements and Non-Entitlements eligible to participate in the Florida Small Cities CDBG Program, as well as federally recognized Indian Tribes, within the counties listed in the federal disaster declaration for Hurricane Wilma, are eligible to apply for assistance. These counties include: Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola,

Palm Beach, Polk, Sarasota, and St. Lucie. Applicants must document and certify that there is no other funding available to address the need.

To facilitate the public comment process, the Action Plan is being emailed to eligible local governments and Indian Tribes and posted to the Department's website at: <http://www.floridacommunitydevelopment.org/disasterrecovery.cfm>

A telephone conference call is being offered as an alternative to a public hearing (meeting). The conference call has been scheduled for:

DATE AND TIME: December 15, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Individuals interested in commenting on the Action Plan may call (850)921-5230 and participate in the discussion. The confirmation number is 150Z 1204.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing, opening of a public comment period, on the proposed Action Plan.

Written comments will be accepted until December 22, 2006. Comments can be hand-delivered or mailed to the Department at the address: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Telephone: (850)487-3644, email: [esrone.McDaniels@dca.state.fl.us](mailto:esrone.McDaniels@dca.state.fl.us) or [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us)

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Pat Harvey at the Department of Community Affairs, (850)487-3644, at least seven days before the workshop to request the accommodation. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces the following public meetings to which all interested parties are invited.

DATE AND TIME: January 17, 2007, 8:30 a.m. – 10:30 a.m.

PLACE: Quality Inn and Suites Conference Center, 6525 U.S. 27 North, Sebring, Florida

DATE AND TIME: January 17, 2007, 1:30 p.m. – 3:30 p.m.

PLACE: Courtyard by Marriott, 3725 Harden Boulevard, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or non-profit entity or entities to administer the Low-Income Home Energy Assistance Program (LIHEAP) in Hardee, Highlands, Okeechobee and Polk Counties.

Entities interested in contracting with DCA to provide this service should attend one of these meetings to learn about the application requirements.