

2. Vessels owned or operated by governmental entities or are being used for governmental purposes under contract with a governmental entity.

3. Vessels operated by individuals resident at riparian property within the No vessel boating restricted area may traverse these waters but must proceed directly to and from their properties without delay or diversion and must carry proof of residency and have it available for inspection on board the vessel.

4. Proceed only at Idle Speed No Wake.

(4) When in Effect – each boating restricted area established in subsection (2) shall be active and enforceable only when the water level is as specified in each respective paragraph. For purposes of this emergency rule, all referenced river levels are as displayed by the National Weather Service’s Advanced Hydrologic Prediction Service on its web site at www.weather.gov/ahps.

(5) As provided in Section 327.70, F.S., this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(6) Except as provided in subsection (7), any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, F.S.

(7) No person shall at any time willfully or wantonly operate any vessel at a speed or in a manner so as to cause a wake that endangers or is likely to endanger life or limb, or damage the property of, any person. Section 327.33(1), F.S., provides that any person who willfully or wantonly operates any vessel at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, any person, commits the offense of reckless operation, a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

(8) This emergency rule takes effect immediately upon being filed with the Department of State and will continue in effect for 90 days or until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified.

(9) This emergency rule does not affect existing state boating restricted areas described in Rules 68C-22.012 and 68D-24.018, F.A.C. that are outside the areas regulated in this emergency rule.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.33, 327.46 FS. History–New 8-29-08.

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: August 29, 2008

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on September 2, 2008, the Criminal Justice Standards and Training Commission, received a petition for a temporary waiver of subsection 11B-27.002(4), F.A.C., by the City of St. Petersburg Police Department on behalf of Christopher Dixon. This rule requires a candidate to complete basic recruit training, pass the State Officer Certification Examination, and obtain employment within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676.

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 Florida Division of Chesapeake Utilities Corporation, filed August 15, 2008, in Docket No.: 080547-EI, seeking a permanent waiver of the requirements of subsections 25-7.084(2) and 25-7.085(4), Florida Administrative Code. The rules require monthly meter readings taken from the meter at the customers’ premises. The company is currently installing automatic meter-reading equipment throughout its system, which alleviates the need for meter readings on the customers’ premises. Comments on the petition should be filed with the Florida Public Service Commission, Office of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition may be obtained by contacting: Florida Public Service Commission,

Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (<http://www.psc.state.fl.us/>). For additional information, please contact Martha Brown, Office of the General Counsel, at the above address or telephone (850)413-6187.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 29, 2008, the South Florida Water Management District received a request for withdrawal of a Petition for Waiver regarding Application No. 04-0315-4 for utilization of Works or Lands of the District known as the Hillsboro Canal, Section 36, Township 47S, Range 42E, Palm Beach County. The District originally, received a petition for waiver from John and Wendy Kever on July 15, 2004 and Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 31, on July 30, 2004. No public comment was received.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 25, 2008, the Board of Accountancy, received a petition for Robert A. Ortega, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (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 August 20, 2008, the Board of Accountancy, received a petition for Robert L. Trescott, seeking a variance or waiver of subsection 61H1-31.001(4), F.A.C., which requires a fee of \$250.00 for reactivation of a delinquent status license. Petitioner also seeks a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, which requires that in any given reestablishment period, at least 80 hours of continuing education credits must be earned and paragraph 61H1-33.003(1)(b), F.A.C., which requires that a licensee submit an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period. Petitioner also seeks a variance or

waiver of subsection 61H1-33.003(6), F.A.C., which requires that each CPA shall, on or before July 15 prior to the licensee's biennial license renewal, report on forms prescribed by the Board, programs of continuing professional education completed during the applicable reestablishment period. Petitioner is also seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (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 August 21, 2008, the Florida Department of Environmental Protection (Department), received a petition for waiver under Section 120.542, Florida Statutes, from Eagle Bay Landing, LLC, to obtain a waiver of the provisions of subsection 62-312.080(7), Florida Administrative Code, which restrict the Department when issuing a permit for dredging and filling in Class II or III waters approved for shellfish harvesting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Woodrow Speed, Florida Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501, (850)595-8300, ext. 1287.

Any written comments regarding the petition must be submitted to the Department at the above address no later than fourteen days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 19, 2008, the Bureau of Beaches and Coastal Systems, received a petition for variance or waiver, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from subsections 62B-33.002(18), (43), and (63) F.A.C., which defines "eligible structures", "nonconforming structures," and "vulnerable," respectively, and from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the condition where construction of armoring shall be authorized is for the protection of an eligible structure. The petition was received from Thomas G. Tomasello, on behalf of himself, C. T. Fitzpatrick, Mr. & Mrs.

Kimmerling, Mr. & Mrs. Hodges, and Mr. & Mrs. Lester, regarding WL-927 AR ATF. The properties are located at 23, 57, 77 Highland Ave., Santa Rosa Bch. in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida, 32399-3000, and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 27, 2008, the Board of Clinical Laboratory Personnel has issued an order.

Petition for Variance or Waiver of subsection 64B3-5.004(3), F.A.C., filed by Priyanka D. Patel ("the Petitioner") on July 8, 2008. The initial notice was published on July 18, 2008 in Vol. 34, No. 29, Florida Administrative Weekly. Subsection 64B3-5.004(3), F.A.C. entitled "Technician" sets forth the requirements one must satisfy in order to obtain a technician's license. The Board considered this matter during a duly-noticed, telephonic meeting on August 19, 2008 and determined the Petition should be denied on the following grounds:

1. Section 120.542(2), Florida Statutes (2007), provides that "[v]ariations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate the principles of fairness."
2. After considering her testimony, the Board concluded that the Petitioner failed to demonstrate that requiring her to fulfill the experience requirement of subsection 64B3-5.004(3), F.A.C., would create a substantial hardship or violate the principals of fairness.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver and/or Variance filed by Ronald A. Light, M.D., on June 27, 2008, seeking a waiver or variance from subsection 64B8-5.001(2), F.A.C., has been withdrawn. The Notice was published in Vol. 34, No. 29, of the July 18, 2008, Florida Administrative Weekly.

The person to be contacted with regard to this notice is: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on August 28, 2008, the Board of Medicine received a petition filed by Ronald A. Light, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the score on the FLEX examination. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on December 21, 2007, the Board of Physical Therapy Practice has issued an order.

The Order is regarding the Petition for Waiver or Variance, which was filed on October 29, 2007, by Gabriela A. Motta. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 45, of the November 9, 2007, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance with regard to the requirement that an applicant provide evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension, as provided under paragraphs 64B17-3.001(5)(c) and (d), F.A.C., entitled "Licensure as a Physical Therapist by Examination." The Board considered the instant Petition at a duly-noticed meeting, held December 7, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner had not established that the purpose of the underlying statute, Section 486.051, F.S., would be met by granting a variance or waiver from paragraphs 64B17-3.001(5)(c) and (d), F.A.C. The Board further finds that Petitioner has not established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on August 21, 2008, the Department of Financial Services, Division of State Fire College has issued an order.

The Order has been assigned the number 95585-08-FM. Petitioner sought a variance of Rules 69A-37.084 and 69A-37.085, Florida Administrative Code, which set forth the requirements for firefighter supplemental compensation.

Because Petitioner holds a degree from a foreign educational institution, Petitioner sought a variance from the requirement that an “eligible Bachelor’s Degree” must be conferred by a post-secondary institution that has received accreditation “from an accrediting agency that is recognized by the U.S. Department of Education.” The Department examined the documentation submitted by Petitioner in support of his Petition and determined that a variance or waiver of Rules 69A-37.084 and 69A-37.085, Florida Administrative Code, was warranted to the limited extent that “accredited” does not require “accreditation from an accrediting agency that is recognized by the U.S. Department of Education” under these particular facts and circumstances.

A copy of the Order may be obtained by contacting: Regina Keenan, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4236.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Financial Services Commission
 Department of Veterans’ Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: September 30, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the

Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs’ budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.