

(f) Any practice that results in the declination of an application from an eligible small employer, other than for statutorily permitted reasons, constitutes a failure to comply with the guaranteed-issue requirements of Section 627.6699(5), F.S.; for example, imposing standards for eligibility that are not required by law, such as:

1. Requiring the small employer to be a domestic entity; or
2. Requiring the group to have prior group coverage; or
3. Requiring payment of premiums with business checks instead of personal checks.

(g) All applications used by carriers to obtain information to offer and issue a small employer health benefit plan to an eligible small employer shall be on a form which the eligible small employer shall complete. Forms that require employees to complete application information or provide additional health details to the eligible small employer as a condition for the eligible small employer to obtain coverage are prohibited.

Specific Authority 626.9611, 627.6699(13)(i), (17) FS. Law Implemented 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (5)(c), (7), (12), (12)(c), (13), (13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.041.

Section IV Emergency Rules

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 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."

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.:	RULE TITLE:
68DER08-1	Emergency Closure to Vessels – St. Johns River and Tributaries

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Recent rains from Tropical Storm Fay have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the flood plain. This flooded condition has created an immediate danger to vessels transiting the area.

Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boat houses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning. The flood now submerges the accustomed footpaths and handholds. Within these submerged areas, vessel wakes could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death. Vessel operation at speeds greater than Idle Speed No Wake in the vicinity of Lake Monroe and the St. Johns River north and west of Lake Monroe presents an immediate danger to vessels and their occupants and to persons in or near the river. Operation of vessels at any speed on the waters of the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe presents an immediate danger to vessels and their occupants and to persons in or near the river.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Volusia, Seminole, Brevard, and Orange Counties, the Florida Inland Navigation District, the Florida Fish & Wildlife Conservation Commission's field office in Ocala, and the FWC Boating and Waterways Section, that enactment of an Idle Speed No Wake boating restricted area in Lake Monroe and the waters north and west of the lake, and the enactment of a vessel exclusion boating restricted area closing the river and its tributaries to all vessel traffic within the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe is essential for the protection of public safety.

This emergency rulemaking is being coordinated with the United States Coast Guard, the United States Army Corps of Engineers, and the sheriffs of the affected counties. Each sheriff has consulted and coordinated this action with the Board of County Commissioners of their respective counties. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by regulatory markers posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind directions, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes: 1) An Idle Speed No Wake boating restricted area on the waters of Lake Monroe and on the St. Johns River from Lake Monroe to a line 6,000 feet north and west of the Interstate 4 bridge over the St. Johns River; a Vessel Exclusion area within which the operation of all vessels is prohibited on all waters within the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe. Persons resident at riparian property within the Vessel Exclusion boating restricted area will be allowed access to their properties at Idle Speed No Wake, but will be required to carry proof of residency.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Major Paul Ouellette, Boating and Waterways Section, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE EMERGENCY RULE IS:

68DER08-1 Emergency Regulation of Vessel Traffic – St. Johns River and Tributaries.

(1) For the purpose of protecting public safety during flood conditions, the following boating restricted areas are established on the St. Johns River, its associated lakes, and its tributaries:

(a) An Idle Speed No Wake boating restricted area on Lake Monroe and the waters of the St. Johns River, shoreline to shoreline, including all of Lake Monroe and all of the St. Johns River and its tributaries south and east of a line drawn perpendicular to the centerline of the St. Johns River 6,000 feet north and west of the centerline of the Interstate 4 bridge over the St. Johns River.

(b) A No Vessels boating restricted area, from shoreline to shoreline, on all waters within the St. Johns River, its associated lakes, and its tributaries south and east of Lake Monroe. Individuals may be authorized by law enforcement to enter the area for the purpose of hazardous debris removal. Persons resident at riparian property within the Vessel Exclusion boating restricted area may traverse these waters by vessel but must:

1. Proceed directly to and from their properties without delays or diversions;
2. Proceed only at Idle Speed No Wake; and
3. Carry proof of residency and have it available for inspection in the vessel.

(2) 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.

(3) 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.

(4) 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.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New

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 25, 2008

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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 December 10, 2007, the Suwannee River Water Management District, received a petition for variance from Wendell M. Winstead, 2719 N. W. 70th Way, Bell, FL 32619, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the width of boardwalk requirement. The permit applicant has an existing unpermitted 6-foot wide boardwalk in Gilchrist County, Township 8 South, Range 14 East, Section 20, within the 75-foot setback of the Suwannee River. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. This petition has been assigned ERP Number 07-0445.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.