

68D-23.101 Intent.

(1) This Chapter is consistent with and conforms to 33 C.F.R. part 62 – The navigable waters of the United States and non-navigable State waters (which together include all waters of this state), are marked to assist navigation using the United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world’s maritime nations and will improve maritime safety by encouraging conformity with buoyage systems used worldwide.

~~(2)(4)~~ It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

~~(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, F.S., this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and~~

~~(c)(4)~~ To insure that regulatory markers noticing boating restricted areas created pursuant to Sections ~~327.22~~, 327.60 and 370.12, F.S., are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

~~(3)(2)~~ It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), F.S., “vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.” The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

~~(4)(3)~~ The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of Section 327.60(2), F.S.;

(b) Ordinances adopted pursuant to Section 370.12(2)(p)(e), F.S., until such ordinances have been reviewed and approved by the commission, and provided that

such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of Section 327.60(1), F.S.;

(d) Ordinances that discriminate against airboats, unless adopted by a two-thirds vote of the governing body enacting such ordinance, as provided in Section 327.60(1), F.S.

(e) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), F.S., when such vessels are outside the marked boundaries of mooring fields permitted as provided in Section 327.40, F.S., and this rule.

~~(5)(4)~~ Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

~~(6)(5)~~ Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-191.051	Filing, Approval of Subscriber Contract and Related Forms
69O-191.054	Rates

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-203.042	Filing, Approval of Subscriber Contract and Related Forms
69O-203.045	Rates

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

**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.”

(THE FOLLOWING EMERGENCY RULE WAS INADVERTENTLY OMITTED FROM VOL. 32, NO. 28, JULY 14, 2006 FAW)

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-36
 RULE TITLE: Instant Game Number 659, \$50 FIESTA

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 659, "\$50 FIESTA," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-36 Instant Game Number 659, \$50 FIESTA.

(1) Name of Game. Instant Game Number 659, "\$50 FIESTA."

(2) Price. \$50 FIESTA lottery tickets sell for \$1.00 per ticket.

(3) \$50 FIESTA lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$50 FIESTA lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE
13	14	15	16	17	18
THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN
19					
NINETEEN					

(5) The "FIESTA NUMBER" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE
13	14	15	16	17	18
THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN
19					
NINETEEN					

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00
TICKET	ONE	TWO	FIVE	TEN
\$20.00	\$25.00	\$100	\$500	\$2,500
TWENTY	THY FIV	ONE HUN	FIVE HUN	THY FIV HUN

(7) The legends are as follows:

YOUR FIESTA
 NUMBERS NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "FIESTA NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$500, and \$2,500.

(b) A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a \$50 FIESTA lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 659 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	10.00	1,008,000
\$2	\$2	30.00	336,000
\$1 x 5	\$5	60.00	168,000
\$5	\$5	60.00	168,000
\$2 x 5	\$10	600.00	16,800
\$10	\$10	600.00	16,800
\$5 x 5	\$25	900.00	11,200
\$25	\$25	900.00	11,200
\$10 x 5	\$50	562.50	17,920
\$20 x 5	\$100	90,000.00	112
\$25 x 4	\$100	90,000.00	112
\$100	\$100	90,000.00	112
\$100 x 5	\$500	180,000.00	56
\$500	\$500	180,000.00	56
\$500 x 5	\$2,500	2,520,000.00	4
\$2,500	\$2,500	2,520,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 659 are 1 in 3.65. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 659, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$50 FIESTA lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$50 FIESTA lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-28-06.

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

EFFECTIVE DATE: June 28, 2006

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 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

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on July 7, 2006 from Sweni International, Inc. Pursuant to Section 120.542, Florida Statutes, Sweni International, Inc. is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage

of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-87233-2. The permit applicant is proposing to construct a small scale retail development in Palm Bay, Brevard County, subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with: Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-74.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

NOTICE IS HEREBY GIVEN that on July 5, 2006, South Florida Water Management District (District) received a petition for waiver from Catherine Zippay, Application Number 06-0605-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as L-47, Martin County, to allow the partial encroachment (4') of an existing, unauthorized screen enclosure to remain within the north right of way of L-47 at the rear of 9628 S. W. Keen Avenue in Section 8, Township 39 South, Range 37 East. The petition seeks relief from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank 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. 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, Attn.: Kathie Ruff, Office of Counsel, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406.

NOTICE IS HEREBY GIVEN that on July 5, 2006, South Florida Water Management District (District) received a petition for waiver from Joy D. Hampp (Cottages At The Lake, LLC), Application Number 06-0601-1M for issuance of a Modification to Right of Way Occupancy Permit Number 12533 for utilization of Works or Lands of the District known as LD-4, Okeechobee County, to allow the proposed