

(5) An application to adopt must be made on form CF-FSP 5071, PDF 08/2008, Adoptive Home Application, which is incorporated by reference and which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 08/2008, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

65C-16.005 Evaluation of Applicants.

(3)(m) All adoptive parent applicants must disclose to the department or community based care provider any prior or pending local, state or national criminal proceedings in which they have been involved. Affidavit of Good Moral Character. ~~All adoptive parent applicants must complete an affidavit of good moral character (Form CF-1649, Affidavit of Good Moral Character), hereby incorporated by reference, attesting to their own good moral character. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. Foster parents who are adopting a foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again;~~

(3)(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who either: 1) have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood, or 2) who as a result of their relationship to the applicant, possess or should possess documentation or knowledge of the applicant's capacity for parenthood. ~~deviant behavior or immoral character.~~ References should be obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

65C-16.013 Determination of Maintenance Subsidy Payments.

(9) The adoption assistance agreement (Form CF FSP 5079~~4~~, PDF 08/2008, Adoption Assistance Agreement), hereby incorporated by reference, must be signed and dated by all parties prior to the finalization of the adoption. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. The effective date of the agreement is the date of placement in the adoptive home, or in the case of adoption by the current caregiver, on the date the memorandum of agreement to adopt is signed. Payments may not be made for any months in which there is no adoption assistance agreement in place.

65C-16.017 Florida Adoption Reunion Registry.

(3)(a) Any person may register by completing and submitting the application for registry services (Form CF 1490, PDF 08/2008, Application for Registry Services), hereby incorporated by reference, indicating to whom they consent to release identifying information about themselves. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(6)(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time using Form CF 1491 PDF 08/2008, Application to Update Information on File with Adoption Registry, hereby incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(10) CF1490, PDF 08/2008, ~~09/2000~~ Applications for Registry Services, and CF1491, PDF 08/2008, ~~09/2000~~ Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

(9) The Department shall hold an annual open enrollment period for submission of applications between the first business day of August and the last business day of October. To apply for this benefit, the applicant shall fully complete and submit the State of Florida Application for Adoption Benefit Form, CF-FSP 5327, Sep. 2008, which is hereby incorporated by reference, and is available online at <http://www.dcf.state.fl.us/adoption/adoptbenefitsprogram.shtml>.

Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5FER08-2
RULE TITLE: Volatility Standards for Gasoline
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects on the supply and distribution of fuel caused by tropical storms and hurricanes during August and September, extreme and unusual circumstances exist that will prevent the distribution of an adequate fuel supply to consumers in specified Florida counties. On September 11, 2008, the United States Environmental Protection Agency (EPA) issued a fuel

volatility waiver to nine southeastern states including Florida. Further, several other southeastern states have issued similar fuel volatility waivers extending through October 31, 2008. Pursuant to these actions by the EPA and other southeastern states, and following the adoption of this emergency rule, waiving certain volatility standards in specified Florida counties will allow for adequate and rapid distribution of available fuel, helping to stabilize the fuel market in the specified counties, thus protecting the welfare of Florida consumers in these counties. Specifically, the affected counties in Florida are Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated at the request of fuel suppliers in order to more adequately meet the fuel needs of Florida consumers in these specified counties, as a result of current fuel shortages created from recent tropical storms and hurricanes, in particular Hurricane Ike. This emergency rule will help alleviate present distribution difficulties and shortages of motor fuel resulting from these weather events and could not be implemented in time to provide relief to affected Florida consumers through non-emergency rule making procedures.

SUMMARY: This emergency rule allows for the retail distribution and sale of gasoline of a different volatility class than adopted in ASTM International designation D4814-07b and Rule 5F-2.001, F.A.C., for the period beginning September 26, 2008, through October 31, 2008, in Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties in Florida. The specific standards affected are below.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Matthew D. Curran, (850)488-9740

THE FULL TEXT OF THE EMERGENCY RULE IS:

5FER08-2 Volatility Standards for Gasoline.

(1) Volatility Class D-4 fuels as specified in ASTM International designation D4814-07b, shall be allowed for the time period from September 26, 2008, through October 31, 2008, for retail distribution and sale in Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

(2) The Vapor Lock Protection Class requirement as specified in subparagraph 5F-2.001(1)(a)3., F.A.C., for gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum test temperature for a vapor-liquid ratio of twenty (20) of 107 °F for the time period from September 26, 2008, through October 31, 2008, for retail distribution and sale in Jefferson, Leon, Wakulla, Gadsden,

Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—New 9-26-08.

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: September 26, 2008

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:
68DER08-3	Emergency Regulation of Vessel Traffic – St. Johns River and Tributaries

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Additional rain and continued flooding 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 collide 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. Operation of vessels on the waters of the St. Johns River, its associated lakes, and its tributaries from Lake George to State Road 50 presents an immediate danger to vessels and their occupants and to persons

in or near the river when the river is at or above flood stage. Based on river flood levels, emergency regulations either exclude or restrict vessel operation to Idle Speed No Wake.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Volusia, Seminole, Brevard, Orange and Lake Counties, the United States Coast Guard, the Florida Fish & Wildlife Conservation Commission's field office in Ocala, and the FWC Boating and Waterways Section, that enactment of the restricted areas based on water levels and gauge readings within segments of the St. Johns River, its associated lakes, and its tributaries is essential for the protection of public safety.

The boating restricted areas established in this emergency rule shall be active and enforceable only when the water levels are as specified in each area. The Commission established regulations based on the United States Geological Survey gauge levels as displayed by the National Weather Service's Advanced Hydrologic Prediction Service. These river levels are available in real time to the general public and to law enforcement agencies through the National Weather Service's web site at www.weather.gov/ahps.

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. The Commission has consulted with the Executive Office of the Governor and through the sheriffs of the respective counties coordinated this action with the Board of County Commissioners of each county in which the restricted areas are located. 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: This emergency rule supersedes and replaces Emergency Rule 68DER08-2 filed for adoption with the Department of State on August 29, 2008. This action establishes: 1) An Idle Speed No Wake boating restricted area on the waters south of Lake George fender system to the Highlands Park Canal at Day Mark 39 to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 2) An Idle Speed and No Vessel boating restricted area from the Highlands Park Canal at Day Mark 39 and the I-4 Bridge to be in effect and enforceable when the St. Johns River

is at specified flood stage levels, 3) An Idle Speed boating restricted area from the I-4 Bridge to a select location within the southern portion of Lake Monroe to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 4) An Idle Speed and a No Vessel boating restricted area in a select location within the southern portion of Lake Monroe to S. R. 46 (south of Lake Harney) to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 5) An Idle Speed boating restricted area at Baxter's Point to 300 feet southeast of the Hatbill Road Boat Ramp to be in effect and enforceable when the St. Johns River is at specified flood stage levels, and 6) A No Vessel boating restricted area within Lake Jessup west of the S.R. 417 Bridge in effect and enforceable when the St. Johns River is at specified flood stage levels. The exclusion areas will not apply to vessels under the command of U.S. Coast Guard licensed Masters, vessels owned or operated by governmental entities or are being used for governmental purposes, or persons resident at riparian property. Vessels are required to proceed only at Idle Speed No Wake. Residents will be allowed access to their properties at Idle Speed No Wake, but will be required to carry proof of residency and have it available for inspection.

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:

68DER08-3 Emergency Regulation of Vessel Traffic – St. Johns River and Tributaries.

(1) This emergency rule supersedes and replaces Emergency Rule 68DER08-2 filed for adoption with the Department of State on August 29, 2008.

(2) For the purpose of protecting public safety during flood conditions, the following boating restricted areas are established on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, as follows:

(a) Lake George fender system and Highlands Park Canal at Day Mark 39 – An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Lake George fender system south to the line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39, to be in effect and enforceable when the St. Johns River level is at 2.8 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 40 Bridge over the St. Johns River at Astor (ASTF1).

(b) Highlands Park Canal at Day Mark 39 and the I-4 Bridge –

1. An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39 to the centerline of the north span (westbound lanes) of the I-4 Bridge over the St. Johns River, to be in effect and enforceable when the St. Johns River level is at 4.2 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 44 Bridge over the St. Johns River near Deland (DLAF1).

2. A No Vessel boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39 to the centerline of the north span (westbound lanes) of the I-4 Bridge over the St. Johns River, to be in effect and enforceable when the St. Johns River level is at 5.0 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 44 Bridge over the St. Johns River near Deland (DLAF1).

(c) I-4 Bridge and Lake Monroe Vicinity - An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from the centerline of the north span (westbound lanes) of the I-4 Bridge south and east to a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, to be in effect and enforceable when the St. Johns River level is at 7.0 feet or higher as indicated by the United States Geological Survey gauge at the U.S. Highway 17/92 Bridge over the St. Johns River near Sanford (SNFF1).

(d) Lake Monroe to S.R. 46 (South of Lake Harney) –

1. An Idle Speed No Wake boating restricted area from a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, southeast to the S.R. 46 Bridge south of Lake Harney to be in effect and enforceable when the St. Johns River level is at 8.5 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

2. A No Vessel boating restricted area from a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, southeast to the S.R. 46 Bridge south of Lake Harney to be in effect and enforceable when the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(e) Baxter's Point – An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the St. Johns River at Baxter's Point to a line drawn perpendicular to the centerline of the St. Johns River 300 feet southeast of the Hatbill Road Boat Ramp to be in effect and enforceable when

the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(f) Lake Jessup – No Vessel boating restricted area within Lake Jessup, from shoreline to shoreline west of the centerline of the S.R. 417 Bridge to be in effect and enforceable when the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(3)(a) The restrictions in this rule do not apply:

1. In situations requiring immediate action to protect life, limb, and property from imminent danger;

2. To law enforcement or fire fighting vessels;

3. To rescue vessels owned or operated by governmental entities;

(b) The No Vessel restrictions in subsection (2) do not apply to the following vessels:

1. Any vessel under the command of an individual licensed by the United States Coast Guard to serve as Master of Steam or Motor Vessels;

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 offence 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 9-25-08.

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: September 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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT by the Florida Public Service Commission that Florida Natural Gas Association's (FNGA's) petition for temporary waiver of the service line abandonment provision of Rule 25-12.045, Florida Administrative Code, filed on March 1, 2007, in Docket No. 070135-GU was approved by the Commission at its May 22, 2007, Agenda Conference. Order No. PSC-07-0488-PAA-GU, issued June 8, 2007, memorialized the decision. On June 29, 2007, FNGA filed a Protest and/or Request for Clarification of Proposed Agency Action Order No. PSC-07-0488-PAA-GU, because its members would have been adversely impacted by the ambiguity in the Order. The Commission clarified the ambiguity stating "[w]e believe that the intent of the language on page 3 of Order No. PSC-07-0488-PAA-GU was to remind FNGA members that despite the temporary waiver of Rule 25-12.045(1)(b) and (1)(c), they are still required to disconnect

gas service in a safe manner." Order No. PSC-07-0830-PAA-GU, issued October 15, 2007, memorialized the decision. The rule pertains to actions that must be taken by local distribution companies for inactive gas lines that have been used, but became inactive with no prospect for reuse. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on March 23, 2007.

A copy of the Order can be obtained from either: Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Administration Commission, received a petition for variance from or waiver of the 20 percent ROGO allocation reduction in Rule 28-20.110, F.A.C., filed by the Board of County Commissioners of Monroe County, Florida. The Board of County Commissioners of Monroe County are seeking a temporary variance and/or waiver from that portion of Rule 28-20.110, F.A.C., which provides for a minimum reduction of 20% in new residential building permit allocations should the Administration Commission find that the County has not made "substantial progress" towards its Year Ten Work Program. The Board of County Commissioners of Monroe County request a temporary variance and/or waiver for a period of one year.

Any interested person or other agency may submit written comments on the petition to: Barbara Leighty, Clerk of the Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)487-1884. Comments must be received by the Clerk within 14 days after this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barbara Leighty, Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)487-1884.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on September 3, 2008, the St. Johns River Water Management District, received a petition for variance from Brevard County, Florida, pursuant to Section 120.542, Florida Statutes. Petitioner 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.), for Environmental Resource Permit (ERP) Application 40-009-113120-2. The permit applicant is proposing to construct a surface water management system and mass