

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.014, 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(4),(6)(f), 499.013, 499.014 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 4:00 p.m. (EST), Monday, April 3, 2006

PLACE: 4052 Bald Cypress Way (Capital Circle Office Complex Building 4052), Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rebecca Poston, R. Ph., Acting Bureau Chief, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)922-5190, rebecca\_poston@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. DRAFT LANGUAGE WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT [www.doh.state.fl.us/pharmacy/drugs](http://www.doh.state.fl.us/pharmacy/drugs) AT LEAST 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

RULE TITLES:	RULE NOS.:
SSI-Related Medicaid Resource	
Eligibility Criteria	65A-1.712
Income and Resource Criteria	65A-1.716

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the average monthly private pay nursing facility rate.

SUBJECT AREA TO BE ADDRESSED: Monthly periods of ineligibility for Medicaid due to transferred resources or income is determined by dividing the total cumulative uncompensated value of all transferred resources or income computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., by the average monthly private cost of nursing facility care. The proposed rule will include language to require updates of the average monthly private nursing home cost every two years.

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 12:00 Noon, March 27, 2006  
PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, telephone (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**LAND AND WATER ADJUDICATORY COMMISSION**

**Pioneer Community Development District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pioneer Community Development District	42BBB-1
RULE TITLES:	RULE NOS.:
Establishment	42BBB-1.001
Boundary	42BBB-1.002
Supervisors	42BBB-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Pioneer Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by MHK of Volusia County, Inc., requests the Commission establish a community development district located within the City of Port Orange, Volusia County, Florida. A Notice of Receipt of Petition for the Pioneer Community Development District was published in the July 15, 2005, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,238.2 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed District is located generally north of Pioneer Trail, east of Highway 415 and south of Dunlawton Avenue. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The development plan for the lands within the proposed District includes the construction of approximately 1,300 residential units of single family detached and multi-family units as well as 25 acres of commercial mixed use. The District, if established, currently intends to participate in the provision of certain infrastructure

improvements including clearing, earthwork, water, sewer, and reclaimed utilities, roadways, stormwater management facilities, facilities for outdoor cultural and recreational uses, and landscaping. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with the permitting agencies.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 9 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, the City of Port Orange, and Volusia County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Port Orange and Volusia County will also incur one-time administrative costs which are offset by the required filing fee paid to each the City of Port Orange and Volusia County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District

may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses. The petition to establish the District will not have an impact on small counties and small cities as defined by section 120.52, F.S., as the City of Port Orange is not defined as a small city and Volusia County is not defined as a small county. Under section (e), analysis provided was based on a straightforward application of economic theory. Input was received from the Developer's Engineer and other professionals associated with the Developer.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):**

**TIME AND DATE:** 2:00 p.m. – 4:00 p.m., Tuesday, March 28, 2006

**PLACE:** Room 2103, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**PIONEER COMMUNITY DEVELOPMENT DISTRICT**

**42BBB-1.001 Establishment.**

**The Pioneer Community Development District is hereby established.**

**Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History–New \_\_\_\_\_.**

**42BBB-1.002 Boundary.**

**The boundaries of the District are as follows:**

**A PORTION OF SECTIONS 29, 30, 32 AND 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST AND SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:**

BEGIN AT THE SOUTHEAST CORNER OF STERLING CHASE PHASE II, AS RECORDED IN MAP BOOK 44, PAGES 120-122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29 TO THE SOUTHEAST CORNER OF MARTIN ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5379, PAGE 15, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID MARTIN ROAD TO THE NORTHERLY LINE OF SAID MARTIN ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH WILLIAMSON BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 3885, PAGE 41, SAID PUBLIC RECORDS; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1666, PAGE 440, SAID PUBLIC RECORDS; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND SAID NORTH LINE AND ALONG THE WESTERLY EXTENSION THEREOF TO THE WESTERLY MEAN HIGH WATER LINE OF SPRUCE CREEK; THENCE SOUTHERLY AND WESTERLY ALONG SAID MEAN HIGH WATER LINE TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTHERLY ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE EASTERLY ALONG SAID NORTH LINE TO THE WEST LINE OF SAID SECTION 29; THENCE NORTHERLY ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE SOUTHERLY MEAN HIGH WATER LINE OF SPRUCE CREEK; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION AND SAID SOUTHERLY MEAN HIGH WATER LINE TO THE NORTH LINE OF SAID SECTION 29; THENCE EASTERLY ALONG SAID NORTH LINE TO THE SOUTHERLY MEAN HIGH WATER LINE OF SPRUCE CREEK; THENCE SOUTHERLY AND EASTERLY ALONG SAID SOUTHERLY MEAN HIGH WATER LINE TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95, THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE WESTERLY ALONG SAID NORTH LINE TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTHERLY ALONG SAID WEST LINE TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE EASTERLY ALONG SAID SOUTH LINE AND ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29 TO THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHEAST 1/4;

THENCE SOUTHERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF THE NORTH 511 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29; THENCE EASTERLY ALONG SAID NORTH LINE TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29; THENCE SOUTHERLY ALONG SAID EAST LINE AND ALONG THE EAST LINE OF THE EAST 1/2 OF SAID SECTION 32 TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE EASTERLY ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33 TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 4 TO THE NORTH LINE OF THE SOUTH 578 FEET OF THE EAST 176 FEET SAID NORTHWEST 1/4; THENCE WESTERLY ALONG SAID NORTH LINE TO THE WEST LINE OF SAID EAST 176 FEET; THENCE SOUTHERLY ALONG SAID WEST LINE TO THE SOUTH LINE OF SAID SOUTH 578 FEET; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4; THENCE SOUTHERLY ALONG SAID EAST LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 9 TO THE NORTH LINE OF TURNBULL BAY ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TURNBULL BAY ROAD TO A LINE 10 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, THE EAST LINE OF SAID NORTHWEST 1/4; THENCE SOUTHERLY ALONG SAID LINE, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 TO THE NORTHERLY LINE OF PIONEER TRAIL; THENCE NORTHERLY AND WESTERLY ALONG THE NORTHERLY LINE OF SAID PIONEER TRAIL TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE AND THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 5 AND THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 32 AND THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 29 TO THE POINT OF BEGINNING.  
LESS ANY PART OF THE ABOVE DESCRIBED WITHIN SAID INTERSTATE HIGHWAY 95 AND LESS ANY PART WITHIN SAID SOUTH WILLIAMSON BOULEVARD AND LESS ANY PART WITHIN SAID TURNBULL BAY ROAD AND LESS ANY PART WITHIN SPRUCE CREEK SOVEREIGN WATERS OF THE STATE OF FLORIDA, CONTAINING 1238.2 ACRES, MORE OR LESS.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS.  
History—New \_\_\_\_\_.

**42BBB-1.003 Supervisors.**

The following five persons are designated as the initial members of the Board of Supervisors: J. Andrew Hagan, Jean Trinder, Richard Smith, Cheryl Hamilton and Cynthia Jones.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS.  
History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**LAND AND WATER ADJUDICATORY COMMISSION**

**Madeira Community Development District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Madeira Community Development District	42CCC-1
RULE TITLES:	RULE NOS.:
Establishment	42CCC-1.001
Boundary	42CCC-1.002
Supervisors	42CCC-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (“CDD”), the Madeira Community Development District (“District”), pursuant to Chapter 190, F.S. The petition (amended during the November 15, 2005, local public hearing) filed by Ponce Associates, LLC, requests the Commission establish a community development district located within the City of St. Augustine, St. Johns County, Florida. A Notice of Receipt of Petition for the Madeira Community Development District was published in the October 28, 2005, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,006.5 acres (The original petition described the proposed District as approximately 1,010 acres in size. However, the District’s legal description was amended to approximately 1,006.5 in size.). A general location map is contained as Exhibit 1 to the amended petition to establish the District. The proposed District is located generally on the east side of U.S. 1 North between Ocean Boulevard to the north and Poinciana Avenue to the south. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the

proposed District. The development has been approved for 749 residential units consisting of 469 single family homes, 114 condominium units, and 166 town homes. In addition, 170,000 square feet of commercial space is planned. Currently, the lands to be included in the District are zoned planned unit development (PUD). The District, if established, currently intends to finance certain master infrastructure improvements including roads, water, sewer, stormwater management, recreational facilities, landscape/entry features, and professional fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) as revised on September 20, 2005, supports the petition, as amended, to establish the District. The complete text of the revised SERC is contained as Exhibit 8 to the petition, as amended. The scope of the revised SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, the City of St. Augustine, and St. Johns County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of St. Augustine and St. Johns County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special

assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as amended, to establish the District will have no impact or a positive impact on all small businesses. The petition, as amended, to establish the District will not have an impact on small counties and small cities as defined by Section 120.52, F.S., as the City of St. Augustine is not defined as a small city and St. Johns County is not defined as a small county. Under section (e), certain data was provided by the developer/petitioner and represents the best information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development districts in various stages of existence. Input was received from the developer's engineer and other professionals associated with the developer.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 31, 2006

PLACE: Room 2107, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

MADEIRA COMMUNITY DEVELOPMENT DISTRICT

42CCC-1.001 Establishment.

The Madeira Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42CCC-1.002 Boundary.

The boundaries of the District are as follows:

PARCEL "A":

A PARCEL OF LAND IN SECTION 54, TOWNSHIP 6 SOUTH, RANGE 29 EAST, UNSURVEYED SECTIONS 30 AND 31, TOWNSHIP 6 SOUTH, RANGE 30 EAST AND SECTION 42, TOWNSHIP 6 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND IN NORTH ST. AUGUSTINE AS RECORDED IN MAP BOOK 3, PAGE 20, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA ALL OF SAID PARCEL OF LAND BEING IN ST. JOHNS COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WITH THE NORTH LINE OF POINCIANA AVENUE, SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 BEING 78' EAST FROM AND PARALLEL WITH THE CENTER LINE OF THE SOUTH BOUND TRAFFIC LANES OF SAID HIGHWAY AND THE NORTH LINE OF POINCIANA AVENUE BEING 30' NORTH FROM AND PARALLEL WITH THE SOUTH LINE OF SAID AVENUE AS SHOWN ON REVISED PLAT OF FORT MOOSA GARDENS AS RECORDED IN MAP BOOK 4, PAGE 34, PUBLIC RECORDS OF SAID COUNTY, SAID NORTH LINE OF AVENUE BEING INDICATED ON SAID PLAT OF FORT MOOSA GARDENS AS "PROPERTY LINE"; THENCE N29°03'48"W ON SAID EAST RIGHT-OF-WAY LINE OF HIGHWAY 2,028.73' TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE, N29°03'48"W, 160.52 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE, N28°28'53"W, 1,943.65'; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE, N29°03'17"W, 1,029.43'; THENCE N60°59'38"E ON THE SOUTHEAST LINE OF JACKSON PARK AS RECORDED IN MAP BOOK 3 PAGE 51, PUBLIC RECORDS OF SAID COUNTY AND ON THE SOUTHEAST LINE OF DE LEON MANORS AS RECORDED IN MAP BOOK 8, PAGE 80, PUBLIC RECORDS OF SAID COUNTY 2,101.26'; THENCE N28°59'54"W ON THE SOUTHWEST LINE OF THE EAST 2 02' OF TRACT "D" IN NORTH ST. AUGUSTINE AS RECORDED IN MAP BOOK 3, PAGE 20, PUBLIC RECORDS OF SAID COUNTY 600.13'; THENCE N61°00'06"E ON THE NORTHWEST LINE OF SAID TRACT "D" AND OF TRACT "E" IN SAID NORTH ST. AUGUSTINE, 252.00'; THENCE N28°59'54"W ACROSS OCEAN BOULEVARD AND ON THE SOUTHWEST LINE OF TRACT "H" IN SAID NORTH ST. AUGUSTINE, 650.00'; THENCE N61°07'23"E ON THE NORTHWEST LINE OF TRACTS "H" "G" AND "G-1" OF SAID NORTH ST. AUGUSTINE AND ON THE NORTHEASTERLY EXTENSION OF THAT LINE, 953.48'; THENCE S48°52'37"E ON THE MEANDER LINE OF THE MARSH OF NORTH RIVER, 380.00'; THENCE S01°37'23"W ON SAID MEANDER LINE, 975.00'; THENCE S55°58'51"E ON

SAID MEANDER LINE, 552.35'; THENCE DUE SOUTH 390.00'; THENCE DUE WEST 200.00'; THENCE DUE SOUTH 365.00'; THENCE S81°17'19"W, 627.24'; THENCE S03°05'24"E, 2,263.29'; THENCE S72°48'05"W, 263.80'; THENCE S16°34'58"E, 753.33'; THENCE DUE WEST 763.64' TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ALL OF THAT PART OF OCEAN BOULEVARD LYING NORTHEAST OF THE SOUTHWEST LINE OF SAID TRACT <sup>W</sup>H" IN NORTH ST. AUGUSTINE EXTENDED SOUTHEASTERLY ACROSS SAID OCEAN BOULEVARD; AND ALSO EXCEPTING THEREFROM THAT PORTION THEREOF LYING EAST OF AND ADJOINING BLOCKS "F", "F-1" AND "G-1" OF SAID PLAT BOOK 3, PAGE 20 AND BETWEEN THE NORTH LINE OF BLOCK "G-1" PRODUCED EASTERLY, AND THE SOUTH LINE OF SAID BLOCK "F-1" PRODUCED EASTERLY.

PARCEL "B":

A PARCEL OF LAND IN SECTION 54, TOWNSHIP 6 SOUTH, RANGE 29 EAST; SECTION 49, TOWNSHIP 7 SOUTH, RANGE 29 EAST; SECTION 42 AND UNSURVEYED SECTION 31, TOWNSHIP 6 SOUTH, RANGE 30 EAST, AND SECTION 60, TOWNSHIP 7 SOUTH, RANGE 30 EAST, AND SECTION 60, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALL IN ST. JOHNS COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WITH THE NORTH LINE OF POINCIANA AVENUE, SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 BEING 78' EAST FROM AND PARALLEL WITH THE CENTER LINE OF THE SOUTH BOUND TRAFFIC LANES OF SAID HIGHWAY AND THE NORTH LINE OF POINCIANA AVENUE BEING 30' NORTH FROM AND PARALLEL WITH SOUTH LINE OF SAID AVENUE AS SHOWN ON REVISED PLAT OF FORT MOOSA GARDENS AS RECORDED IN MAP BOOK 4, PAGE 34, PUBLIC RECORDS OF SAID COUNTY, SAID NORTH LINE OF AVENUE BEING INDICATED ON SAID PLAT OF FORT MOOSA GARDENS AS "PROPERTY LINE"; THENCE N29°03'48"W ON SAID EAST RIGHT-OF-WAY LINE OF HIGHWAY 2,028.73'; THENCE DUE EAST 763.64'; THENCE N16°34'58"W, 753.33'; THENCE N72°48'05"E, 263.80'; THENCE N03°05'24"W, 2,263.29'; THENCE N81°17'19"E, 627.24'; THENCE DUE NORTH 365.00'; THENCE DUE EAST 200.00'; THENCE DUE NORTH 390.00'; THENCE DUE EAST 180.00'; THENCE S32°36'45"E, 1,400.87'; THENCE S24°19'23"E, 1,371.76'; THENCE S05°11'40"E, 828.40'; THENCE S78°27'12"W, 453.30'; THENCE S17°18'42"E, 818.90'; THENCE S72°41'18"W, 624.11'; THENCE S35°56'56"E ALONG THE EAST EDGE OF A MARSH 233.53' ; THENCE S70°13'47"W

ALONG THE SOUTH SIDE OF A MARSH AND THE NORTH SIDE OF A ROAD, 252.37'; THENCE S21°12'17"E ACROSS SAID ROAD, 76.57'; THENCE N67°56'03"E ALONG THE NORTH SIDE OF A MARSH AND THE SOUTH SIDE OF SAID ROAD, 167.03'; THENCE S20°19'23"E ALONG THE FACE OF A TIMBER BULKHEAD, 86.38'; THENCE N70°44'27"E ALONG THE FACE OF A TIMBER BULKHEAD, 87.92'; THENCE N63°01'48"E ALONG THE NORTH LINE OF A MARSH, 135.36'; THENCE S51°10'57"E ALONG THE NORTHEAST LINE OF A MARSH, 167.34'; THENCE S25°47'06"W ALONG THE WEST LINE OF A MARSH, 179.36'; THENCE S20°10'46"E ALONG THE EAST LINE OF A MARSH, 124.65'; THENCE S62°26'50"E ALONG THE NORTHEAST LINE OF A MARSH, 5.62'; THENCE S67°25'00"W ON THE EASTERLY EXTENSION OF SAID NORTH LINE OF POINCIANA AVENUE AND ON SAID NORTH LINE OF POINCIANA AVENUE 1,849.77' TO THE POINT OF BEGINNING.

PARCEL "C":

A PARCEL OF LAND IN SECTION 42, TOWNSHIP 6 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 WITH THE NORTH LINE OF POINCIANA AVENUE SAID EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 BEING 78' EAST FROM AND PARALLEL WITH THE CENTER LINE OF THE SOUTH BOUND TRAFFIC LANES OF SAID HIGHWAY AND THE NORTH LINE OF POINCIANA AVENUE BEING 30' NORTH FROM AND PARALLEL WITH THE SOUTH LINE OF SAID AVENUE AS SHOWN ON REVISED PLAT OF FORT MOOSA GARDENS AS RECORDED IN MAP BOOK 4, PAGE 34, PUBLIC RECORDS OF SAID COUNTY, SAID NORTH LINE OF AVENUE BEING INDICATED ON SAID PLAT OF FORT MOOSA GARDENS AS "PROPERTY LINE"; THENCE N67°25'00"E ON SAID NORTH LINE OF POINCIANA AVENUE, 1416.90'; THENCE N05°31'30"W, 499.41 FEET TO THE POINT OF BEGINNING; THENCE N21°12'17"W ACROSS A ROAD, 76.57'; THENCE N70°13'47"E ALONG THE NORTH SIDE OF SAID ROAD AND THE SOUTH SIDE OF A MARSH, 252.37'; THENCE N35°56'56"W ALONG THE EAST SIDE OF A MARSH, 233.53'; THENCE N72°41'18"E, 624.11'; THENCE N17°18'42"W, 45.00'; THENCE MEANDERING ALONG THE EDGE OF A MARSH THE FOLLOWING BEARINGS AND DISTANCES: N79°49'10"E, 182.22'; THENCE S03°58'07"E, 225.45'; THENCE S10°11'58"W, 544.36'; THENCE S04°01'20"E, 129.59'; THENCE S37°27'24"W, 156.21'; THENCE N62°26'50"W, 207.54'; THENCE N20°10'46"W, 124.65'; THENCE N25°47'06"E, 179.36'; THENCE N51°10'57"W, 167.34'; THENCE S63°01'48"W, 135.36' TO

THE EAST END OF A TIMBER BULKHEAD; THENCE S70°44'27"W ALONG THE SOUTH FACE OF A TIMBER BULKHEAD, 87.92'; THENCE N20°19'23"W ALONG THE WEST FACE OF A TIMBER BULKHEAD, 86.38'; THENCE S67°56'03"W ALONG THE SOUTH SIDE OF A ROAD AND NORTH SIDE OF A MARSH, 167.03' TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THAT PART OF SECTION 54, TOWNSHIP 6 SOUTH, RANGE 29 EAST; SECTION 49, TOWNSHIP 7 SOUTH, RANGE 29 EAST; SECTION 42 AND UNSURVEYED SECTION 31, TOWNSHIP 6 SOUTH, RANGE 30 EAST AND SECTION 60, TOWNSHIP 7 SOUTH, RANGE 30 EAST; ALL IN ST. JOHNS COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND THE NORTHERLY PROPERTY LINE OF THE REVISED PLAT OF FORT MOOSA GARDENS, AS RECORDED IN MAP BOOK 4, PAGE 34, PUBLIC RECORDS OF ST. JOHNS COUNTY AND ASSUMING SAID EASTERLY RIGHT-OF-WAY LINE BEARS S29°03'48"E; THENCE N60°21'57"E, 874.42' TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE N09°16'25"W, 335.31'; THENCE S80°43'33"W, 29.05'; THENCE N09°16'25"W, 8.41'; THENCE NORTHWESTERLY 95.45', ALONG A TANGENTIAL CURVE, CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 41°41'10" AND A RADIUS OF 131.19'; THENCE N41°15'20"E, NOT TANGENT TO THE SAID CURVE, 66.05'; THENCE NORTHEASTERLY 64.18', ALONG A TANGENTIAL CURVE, CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 25°16'14" AND A RADIUS OF 145.51'; THENCE N15°59'06"E, 44.70'; THENCE N83°47'41"E, 84.70'; THENCE EASTERLY 122.86' ALONG A TANGENTIAL CURVE, CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 19°01'38" AND RADIUS OF 369.96' TO POINT OF REVERSE CURVE; THENCE CONTINUING EASTERLY 179.16', ALONG SAID REVERSE CURVE, CONCAVE TO THE NORTHEAST, HAVING A CENTRAL ANGLE OF 32°06'50" AND A RADIUS OF 319.64'; THENCE S09°17'49"E, NOT TANGENT TO SAID REVERSE CURVE, 296.85'; THENCE S20°06'20"W, 105.57'; THENCE S09°16'25"E, 125.00' TO THE INTERSECTION WITH A LINE THAT BEARS N80°43'35"E FROM THE POINT OF BEGINNING; THENCE S80°43'35"W, 375.00' TO THE POINT OF BEGINNING, EXCEPT THEREFROM THAT PART OF THE ABOVE DESCRIBED LAND DESCRIBED AS FOLLOWS:

COMMENCING AT HERETOFORE MENTIONED POINT "A"; THENCE N09°16'25"W, 239.79'; THENCE N80°43'35"E, 15.30' TO THE POINT OF BEGINNING; THENCE CONTINUE N80°43'35"E, 110.40'; THENCE S09°16'25"E, 60.79'; THENCE N80°43'35"E, 61.16'; THENCE N09°16'25"W, 60.79'; THENCE N80°43'35"E, 126.94'; THENCE N09°16'25"W, 120.84'; THENCE S80°43'35"W, 126.94'; THENCE N09°16'25"W, 60.14'; THENCE S80°43'35"W, 61.16'; THENCE S09°16'25"E, 60.14'; THENCE S80°43'35"W, 110.40'; THENCE S09°16'25"E, 52.62'; THENCE S80°43'35"W, 15.30'; THENCE S09°16'25"E, 15.00'; THENCE N80°43'35"E, 15.30'; THENCE S09°16'25"E, 53.22' TO THE POINT OF BEGINNING.

PARCEL 1:

ALL THOSE PORTIONS OF THE JOSEPH S. SANCHEZ GRANT SURVEYED AS SECTION 54, TOWNSHIP 6 SOUTH OF RANGE 29 EAST, SECTION 42, TOWNSHIP 6 SOUTH OF RANGE 30 EAST, SECTION 49, TOWNSHIP 7 SOUTH OF RANGE 29 EAST, AND SECTION 60, TOWNSHIP 7 SOUTH, RANGE 30 EAST AND THOSE PORTIONS OF GOVERNMENT LOTS 1 AND 3, SECTION 36, TOWNSHIP 6 SOUTH OF RANGE 29 EAST, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARY LINES:

BOUNDED ON THE NORTH BY THE SOUTH LINE OF "NORTH ST. AUGUSTINE ADDITION TO ST. AUGUSTINE, FLORIDA" ACCORDING TO PLAT THEREOF RECORDED IN PLATBOOK 3, PAGE 20, AND IN PART REPLATTED AS "JACKSON PARK," ACCORDING TO PLAT THEREOF RECORDED IN PLATBOOK 3, PAGE 51, RESPECTIVELY, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND ALSO BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF SAID TWO PLATTED AREAS EXTENDED EASTWARD THROUGH THE MARSHES TO THE LOW WATER MARK OF THE WEST SHORE OF NORTH RIVER, BOUNDED ON THE EAST BY THE LOW WATER MARK OF THE WEST SHORE OF SAID NORTH RIVER, BOUNDED ON THE SOUTH BY THE NORTH LINE OF FORT MOOSA GARDENS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLATBOOK 3, PAGE 71, AND THE NORTH LINE OF "REVISED PLAT OF PART OF FORT MOOSA GARDENS," ACCORDING TO PLAT RECORDED IN PLATBOOK 4, PAGE 34, RESPECTIVELY, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND ALSO BOUNDED GENERALLY ON THE SOUTH BY A CONTINUOUS LINE ON VARYING COURSES DESCRIBED AS FOLLOWS:

THE NORTH LINE OF SAID TWO PLATTED AREAS EXTENDED EASTWARD ACROSS A SMALL CREEK TO A MEANDER LINE ON THE EAST BANK OF SAID CREEK, WHICH MEANDER LINE IS A PART OF THE GRANT LINE OF A PORTION OF SAID SECTION 42; THENCE RUN ON SAID PART OF GRANT LINE S33°E, 120', MORE OR LESS,

TO A SOUTHWEST CORNER OF SAID SECTION 42; THENCE CONTINUING ON THE GRANT LINE COURSE N50°E, 231', MORE OR LESS, TO THE EASTMOST SOUTHEAST CORNER OF SAID SECTION 42 AND THENCE DUE EAST ACROSS THE MARSHES TO THE LOW WATER MARK OF THE WEST SHORE OF SAID NORTH RIVER AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 BEING STATE HIGHWAY NO. 5 AS SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY IS ESTABLISHED BY DEED OF ST. AUGUSTINE GOLF DEVELOPMENT COMPANY TO THE STATE OF FLORIDA, BEARING DATE OF FEBRUARY 8, 1926, RECORDED IN DEED BOOK 66, PAGE 338, OF THE CURRENT PUBLIC LAND RECORDS OF ST. JOHNS COUNTY, FLORIDA.

EXCEPTING FROM THE FOREGOING DESCRIPTION ALL OR ANY PART OF SECTION 43, J. ARNAU GRANT, TOWNSHIP 6 SOUTH, RANGE 30 EAST, WHICH LIES WITHIN THE BOUNDARIES OF THE ABOVE DESCRIBED LAND.

INTENDING BY THE FOREGOING DESCRIPTION TO ALSO INCLUDE THEREIN, AND INTENDING TO ALSO HEREBY CONVEY, THE SEVERAL PARCELS OF LAND CONVEYED UNTO ST. AUGUSTINE GOLF DEVELOPMENT COMPANY BY TEN DEEDS OF FLORIDA EAST COAST HOTEL COMPANY, EACH DATED NOVEMBER 10, 1915, ANOTHER DEED OF SAID HOTEL COMPANY, DATED JANUARY 20, 1926, AND ONE DEED OF FLORIDA EAST COAST RAILWAY COMPANY, DATED FEBRUARY 2, 1926 – SAID TWELVE DEEDS BEING RECORDED IN THE PUBLIC LAND RECORDS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS (BUT EXCLUDING FROM THIS DESCRIPTION SO MUCH OF SAID PARCELS OF LAND CONVEYED IN SAID TWELVE DEEDS AS MAY LIE WEST OF THE EASTERLY RIGHT OF WAY LINE HEREIN ABOVE DESCRIBED OF SAID U.S. HIGHWAY NO. 1, STATE HIGHWAY NO. 5, VIZ.

<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>246,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>247,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>249,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>251,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>253,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>254,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>256,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>40,</u>	<u>PAGE</u>	<u>257,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>166,</u>	<u>PAGE</u>	<u>153,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>67,</u>	<u>PAGE</u>	<u>436,</u>	<u>ET SEQ.</u>
<u>DEED</u>	<u>BOOK</u>	<u>67,</u>	<u>PAGE</u>	<u>439,</u>	<u>ET SEQ.</u>

ALSO EXCEPTING FROM THE FOREGOING DESCRIPTION ALL OR ANY PART THEREOF LYING WITHIN PARCELS “A”, “B” AND “C” HEREOF.

PARCEL 3:

ALL THAT PARCEL OF LAND LYING EAST OF AND ADJOINING BLOCK “F-1” AND BLOCK “G-1”, ACCORDING TO PLAT BOOK 3, PAGE 20, AMENDED PLAT OF NORTH ST. AUGUSTINE ADDITION TO ST. AUGUSTINE, FLORIDA. SAID PLAT FILED FEBRUARY 15, 1924, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, ST. JOHNS COUNTY, FLORIDA AND BETWEEN THE NORTH LINE OF BLOCK “G-1” PRODUCED EASTERLY TO NORTH RIVER, AND THE SOUTH LINE OF SAID “F-1” PRODUCED EASTERLY TO NORTH RIVER, BEING A PART OF UNSURVEYED SECTION 25, TOWNSHIP 6 SOUTH, RANGE 29 EAST, AND PART OF UNSURVEYED SECTION 30, TOWNSHIP 6 SOUTH, RANGE 30 EAST.

PARCEL 5:

GRANT TO ARNAU, SECTION 43, TOWNSHIP 6 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

TRACT “I”:

A PARCEL OF LAND IN SECTION 42 AND UNSURVEYED SECTIONS 30 AND 31, TOWNSHIP 6 SOUTH, RANGE 30 EAST, ALL IN ST. JOHNS COUNTY, FLORIDA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 WITH THE NORTH LINE OF POINCIANA AVENUE, SAID EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 BEING 78 FEET EAST FROM AND PARALLEL WITH THE CENTERLINE OF THE SOUTH BOUND TRAFFIC LANES OF SAID HIGHWAY AND THE NORTH LINE OF POINCIANA AVENUE BEING 3 0 FEET NORTH FROM AND PARALLEL WITH THE SOUTH LINE OF SAID AVENUE AS SHOWN ON REVISED PLAT OF FORT MOOSA GARDENS AS RECORDED IN MAP BOOK 4, PAGE 34, PUBLIC RECORDS OF SAID COUNTY, SAID NORTH LINE OF AVENUE BEING INDICATED ON SAID PLAT OF FORT MOOSA GARDENS AS “PROPERTY LINE”; THENCE N29°03'48"W. ON SAID EAST RIGHT OF WAY LINE OF HIGHWAY, 2,028.73 FEET; THENCE DUE EAST 763.64 FEET; THENCE N16°34'58"W 753.3 3 FEET; THENCE N72°48'05"E 263.80 FEET; THENCE N03°05'24"W 2,263.29 FEET; THENCE N81°17'19"E 627.24 FEET; THENCE DUE NORTH 365.00 FEET; THENCE DUE EAST 200.00 FEET; THENCE DUE NORTH 390.00 FEET; TO THE POINT OF BEGINNING; THENCE N55°58'51"W 552.35 FEET; THENCE N01°37'23"E 450.00 FEET; THENCE S88°22'37"E 444.57 FEET; THENCE S32°36'45"E 975.97 FEET; THENCE S57°23'15"W 250.00 FEET; THENCE N32°36'45"W 250.00 FEET; THENCE DUE WEST 180.00 FEET BACK TO THE POINT OF BEGINNING.



EXCEPTING FROM THE FOREGOING DESCRIPTION ALL OF ANY PART THEREOF LYING WITHIN PARCEL 1 AND PARCEL 3 HEREOF.

TRACT "2":

THE EAST HALF OF VACATED SIXTH AVENUE OF NORTH ST. AUGUSTINE, AS RECORDED IN MAP BOOK 3, PAGE 20, PUBLIC RECORDS OF ST. JOHN'S COUNTY, FLORIDA, SAID SIXTH AVENUE BEING VACATED SOUTH OF THE SOUTH LINE OF OCEAN BOULEVARD OF SAID NORTH ST. AUGUSTINE BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, RECORDED IN OFFICIAL RECORDS BOOK 935, PAGE 1803, PUBLIC RECORDS OF SAID COUNTY.

TRACT "3":

ALL OF VACATED OCEAN BOULEVARD LYING EAST OF THE EAST LINE OF TRACT "I" OF NORTH ST. AUGUSTINE, AS RECORDED IN MAP BOOK 3, PAGE 20, PUBLIC RECORDS OF ST. JOHN'S COUNTY, FLORIDA AND THE SOUTH HALF OF SAID OCEAN BOULEVARD LYING BETWEEN THE EAST LINE OF SAID TRACT "I" AND THE EAST LINE OF SIXTH AVENUE OF SAID NORTH ST. AUGUSTINE, SAID OCEAN BOULEVARD BEING VACATED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, RECORDED IN OFFICIAL RECORDS BOOK 833, PAGE 1521, PUBLIC RECORDS OF SAID COUNTY.

LESS AND EXCEPT:

A PORTION OF SECTION 42, JOS S. SANCHEZ GRANT, TOWNSHIP 6 SOUTH, RANGE 30 EAST, TOGETHER WITH A PORTION OF SECTION 60, JOS S. SANCHEZ GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALL IN ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED), WITH THE NORTHERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 67°27'54" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND AN EASTERLY PROLONGATION THEREOF, 816.77 FEET TO THE POINT OF BEGINNING; THENCE NORTH 22°32'06" WEST, 119.94 FEET TO THE MOST SOUTHERLY CORNER OF AN EASEMENT AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 764, PAGE 1781, PUBLIC RECORDS OF SAID COUNTY; THENCE NORTHERLY, NORTHWESTERLY, AND NORTHEASTERLY, ALONG THE WESTERLY, SOUTHWESTERLY, AND NORTHWESTERLY LINES OF SAID EASEMENT, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES; COURSE NO. 1: NORTH 09°17'06" WEST, 343.72 FEET TO THE POINT OF

CURVATURE OF A CURVE LEADING NORTHWESTERLY; COURSE NO. 2: NORTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 109.19 FEET, AN ARC DISTANCE OF 102.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 36°11'50" WEST, 98.85 FEET TO A POINT OF NON-TANGENCY; COURSE NO. 3: NORTH 41°14'39" EAST, 91.36 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHEASTERLY; COURSE NO. 4: NORTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 123.51 FEET, AN ARC DISTANCE OF 54.48 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 28°36'28" EAST, 54.04 FEET TO THE POINT OF TANGENCY OF LAST SAID CURVE; COURSE NO. 5: NORTH 15°58'19" EAST, 49.26 FEET TO THE SOUTHERLY BOUNDARY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1836, PAGE 22, PUBLIC RECORDS OF SAID COUNTY AND THE ARC OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG LAST SAID LINE AND ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 137.94 FEET, AN ARC DISTANCE OF 59.24 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 83°54'51" EAST, 58.79 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 83°46'46" WEST, 38.78 FEET TO THE EASTERLY LINE OF THE AFOREMENTIONED EASEMENT DESCRIBED AND RECORDED IN OFFICIAL RECORDS 764, PAGE 1781, PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTHERLY, SOUTHWESTERLY, AND SOUTHEASTERLY, ALONG THE EASTERLY, SOUTHEASTERLY AND NORTHEASTERLY LINES OF SAID EASEMENT, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 15°58'25" WEST, 44.70 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHWESTERLY; COURSE NO. 2: SOUTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 145.51 FEET, AN ARC DISTANCE OF 64.18 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 28°36'30" WEST, 63.66 FEET TO THE POINT OF TANGENCY OF LAST SAID CURVE; COURSE NO. 3: SOUTH 41°14'39" WEST, 66.05 FEET TO THE ARC OF A CURVE LEADING SOUTHEASTERLY; COURSE NO. 4: SOUTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 131.16 FEET, AN ARC DISTANCE OF 95.45 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melinda Gray, Regulatory Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.003 Office Surgery Registration Requirements, Fees.

(1) Registration Requirements.

(a) Every office performing surgery as defined in Sections 458.309(3) and 459.005(2), F.S., must register and maintain a valid registration with the Department of Health. To register, an office must submit Form #DH-MQA 1031, Application for Office Surgery Registration for medical physicians or Form #DH-MQA 1071, Application for Office Surgery Registration for osteopathic physicians to the Department. Form #DH-MQA 1031, effective February 2006 ~~March 2000~~ and Form #DH-MQA 1071, effective February 2006 ~~January, 2003~~, are hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin C01, Tallahassee, FL 32399.

(b) Each office shall be registered in accordance with Rule 64B8-9.0091, F.A.C., Requirements for Physician Office Registration: Inspection or Accreditation for medical physicians or Rule 64B15-14.0076, F.A.C., Requirement for Osteopathic Physician Office Registration: Inspection or Accreditation for osteopathic physicians.

(2) No change.

Specific Authority 456.004, 458.309(3), 459.005(2) FS. Law Implemented 458.309(3), 459.005(2) FS. History--New 7-12-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melinda Gray

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Retired Status Fee

RULE NO.: 64B3-9.0051

PURPOSE AND EFFECT: The Board proposes a new rule to provide language regarding retired license status fees.

SUMMARY: The proposed rule will provide for a \$50 fee for retired status licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 456.025, 483.805(4) FS.

LAW IMPLEMENTED: 456.025, 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-9.0051 Retired Status Fee.

The fee for retired status is \$50.

Specific Authority 456.025, 483.805(4) FS. Law Implemented 456.025, 456.036 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Inactive, Delinquent and Retired Status Fees

RULE NO.: 64B8-3.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a fee for those licensees electing retired status.

SUMMARY: The proposed rule amendment implements a fee of \$50 for those licensees who elect retired licensure status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.004 Inactive, ~~and~~ Delinquent and Retired Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

- (a) through (c) No change.
- (d) The fee for reactivation of an inactive license or retired status license shall be \$250.00.
- (e) No change.
- (f) The fee for a retired status license shall be \$50.00.
- (2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02, 11-10-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Standard Terms Applicable to Orders  
 PROBATION VARIABLES:

RULE NOS.: 64B8-8.0011  
 64B8-8.0012

PURPOSE AND EFFECT: The proposed the rules are intended to set forth standard terms which are applicable to Board Orders and to set forth the various probationary terms imposed by Orders of the Board in disciplinary proceedings.

SUMMARY: The proposed Rule 64B8-8.0011, F.A.C., sets forth standard the terms which the Board applies to disciplinary orders. The proposed Rule 64B8-8.0012, F.A.C., sets forth various probationary terms typically imposed by Board Order.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.072(2), 458.331(2) FS.  
 LAW IMPLEMENTED: 456.072(2), 458.331(2),(4) FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.0011 Standard Terms Applicable to Orders.

Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) COMPLIANCE WITH STATE AND FEDERAL LAWS AND RULES. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 456, 458, 893, Florida Statutes, and Rule Chapter 64B8, Florida Administrative Code. If Respondent is subject to criminal probation, Respondent shall comply with all terms and conditions of said criminal probation.

(2) PAYMENT OF FINES AND COSTS. Unless otherwise directed by Board Order, all fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order. The Board/Compliance office does not have the authority to change the terms of payment of any fine imposed by the Board.

(3) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

(4) COMPLIANCE ADDRESS. Unless otherwise directed, all reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(5) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall

notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. Unless otherwise set forth in the Order, the following requirements and only the following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.

2. The provisions regarding supervision whether direct or indirect by the monitor/supervisor, and required reports from the monitor/supervisor shall be tolled.

3. The requirement for quality assurance review of Respondent's practice shall be tolled.

4. Any provisions regarding community service shall be tolled.

5. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

(6) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by Board Order, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (4) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. Section 501(c)(3), F.S., without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

(7) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS:

1. INDIRECT SUPERVISION is supervision by a monitoring physician (monitor), as set forth in the Board's Order, whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent. However, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise approved by the Board and shall be readily available for consultation. The monitor shall be board-certified in the Respondent's specialty area unless otherwise approved by the Board or its designee.

2. DIRECT SUPERVISION is supervision by a supervising physician (supervisor), as set forth in the Order, whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervisor shall be board-certified in the Respondent's specialty area unless otherwise approved by the Board or its designee.

3. PROBATION COMMITTEE or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

(b) REQUIRED SUPERVISION.

1. If the terms of the Order include indirect monitoring of the licensee's practice (monitoring) or direct monitoring of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Final Order, unless otherwise ordered by the Board.

2. The monitor/supervisor must be licensed under Chapter 458, Florida Statutes, in good standing, in active status, and without restriction or limitation on his/her license. In addition, the Board or Committee shall reject any proposed monitor/supervisor on the basis that he/she has previously been subject to any disciplinary action against his/her medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise approved by the Board or Committee and be practicing within a reasonable distance of the Respondent's practice, a distance of no more than 20 miles unless otherwise specifically provided for in the Board's Order. The monitor/supervisor must not be a relative or employee of the Respondent. The Board, Committee or designee may also reject any proposed monitor/supervisor for good cause shown.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed monitor/supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (4) above. Should Respondent's monitoring/supervising physician be temporarily approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice medicine until a monitoring/supervising physician is approved. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(d) FORMAL APPROVAL. Respondent shall have the monitor/supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide the monitor/supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed monitor/supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's monitor/supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and may subject the Respondent to additional disciplinary action.

(e) CHANGE IN MONITOR/SUPERVISOR. In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his/her responsibilities as a monitor/supervisor as described above, the Respondent shall immediately advise the Compliance Office of this fact. Respondent shall immediately submit to the Compliance Office the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the supervision of the temporary monitor/supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why physician is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with monitoring/supervising physician.
6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; loss or restriction of DEA registration; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) MONITOR/SUPERVISOR REPORTS. If directed by Board Order, monitor/supervisor reports, in affidavit form shall include the following:

1. Brief statement of why physician is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with monitoring physician.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(8) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

(9) SUPERVISION OF PHYSICIAN ASSISTANTS AND/OR ANESTHESIOLOGIST ASSISTANTS. Respondent is required to notify, in writing, any physician assistant and/or anesthesiologist assistant which the Probationer supervises, of his or her probationary status. A copy of said written notification(s) shall be submitted to the Board's Compliance Officer within 10 days of entry of the Board's Order. Supervision of physician assistants and/or anesthesia assistants is prohibited when a physician is on probation.

(10) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(11) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 456.072(2), 458.331(2) FS. Law Implemented 458.331(2),(4) FS. History—New \_\_\_\_\_.

64B8-8.0012 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing medicine. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation, quarterly/semiannually/annually and at such other times requested by the committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action. Unless otherwise provided in the Order, appearances at the Probationer's Committee shall be made quarterly.

(2) DIRECT SUPERVISION REQUIRED. If direct supervision is required by the Board, Respondent shall not practice except under the direct supervision of a physician fully licensed under Chapter 458, Florida Statutes, who has been approved by the Probationer's Committee.

(a) The supervisory physician shall work in the same office with the Respondent.

(b) Absent provision for and compliance with the terms regarding temporary approval of a supervising physician set forth in paragraph 64B8-8.011(7)(c), F.A.C., Respondent shall cease practice and not practice until the Probationer's Committee approves a supervising physician.

(c) Respondent shall have the supervising physician appear at the first probation appearance before the Probationer's Committee.

1. Prior to approval of the supervising physician by the committee, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and the Board's Order filed in the case.

2. A failure of the Respondent or the supervising physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Order.

3. Prior to the approval of the supervising physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed supervising physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(d) The responsibilities of a supervising physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with supervising physician.

e. Detail any problems which may have arisen with probationer.

2. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the supervising physician. The patient records shall be selected by the supervising physician on a random basis at least once every month.

3. Report to the Board any violation by the probationer of Chapters 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

(3) INDIRECT SUPERVISION REQUIRED. Should the Board determine that indirect supervision is appropriate, Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458, Florida Statutes, to be approved by the Board's Probationer's Committee.

(a) Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probationer's Committee approves a monitoring physician.

(b) Respondent shall have the monitoring physician present at the first probation appearance before the Probationer's Committee.

(c) Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Board's Order filed in the case.

(d) Failure of the Respondent or the monitoring physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Order.

(e) Prior to the approval of the monitoring physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance. The responsibilities of a monitoring physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Detail any problems which may have arisen with probationer.

e. Brief description of probationer's relationship with monitoring physician.

2. Be available for consultation with Respondent whenever necessary, at a frequency to be determined by the Board.

3. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the monitoring physician. The patient records shall be selected by the monitoring physician on a random basis at least once every month. In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every month unless a different time frame is set forth in the Board's Order. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.

4. Report to the Board any violations by the probationer of Chapters 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

(4) ALTERNATE MONITOR/SUPERVISOR. In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate supervising/monitoring physician who shall be approved by Probationer's Committee. Such physician shall be licensed pursuant to Chapter 458, Florida Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician during those periods of time which Respondent's monitoring/supervising physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate monitoring/supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising/monitoring physician or the approved alternate.

(5) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Probationer's Committee for approval prior to the completion of said courses. The Board confers authority on the Chairperson of the Probationer's Committee to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial

renewal of licensure. Unless otherwise approved by the Board or the Chairperson of the Probationer's Committee, said continuing education courses shall consist of a formal live lecture format.

(6) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 458, Florida Statutes. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 458, Florida Statutes.

(7) RELINQUISHMENT OF DEA REGISTRATION REQUIRED. Should the Board determine that it is appropriate to require a relinquishment of Respondent's prescribing privileges, the Board shall set forth the length of said relinquishment and determine which controlled substances shall be affected.

(a) Respondent shall relinquish his or her registration with the Drug Enforcement Administration (DEA) until such time as Respondent can demonstrate the ability to practice medicine with skill and safety to patients absent this condition or term of probation.

(b) At such time that the Board determines that reinstatement of prescribing privileges is appropriate, Respondent's prescribing may be subject to certain conditions and restrictions to be set forth by the Board.

(8) PRESCRIBING PROHIBITION OR RESTRICTION. Should the Board determine that it is appropriate to require a restriction of Respondent's prescribing privileges, the Board shall set forth the length of said restriction and determine which controlled substances shall be affected. Such restrictions shall include, but are not limited to:

(a) Restriction from prescribing, administering, dispensing, mixing or ordering Schedule controlled substances, other than in a hospital setting.

(b) Prescribing controlled substances with the restrictions set forth below:

1. Respondent shall utilize sequentially numbered duplicate or triplicate prescriptions in the prescribing of Schedule controlled substances.



2. Respondent shall, within one month after issuance, provide one copy of each prescription for controlled substances to the Department's investigator.

3. Respondent shall, within two weeks after issuance, provide one copy of each prescription for controlled substances to his/her monitoring/supervising physician.

4. Respondent shall maintain one copy of each prescription for controlled substances in the patient's medical records.

(9) RESTRICTION ON TREATING FEMALE PATIENTS. Should the Board determine there should be a restriction on treating female patients, Respondent shall not examine or treat any female patients without a female employee who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 23, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards of Practice
RULE NO.: 64B8-9.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the application of the "pause" rule.

SUMMARY: The proposed rule amendments apply the "pause" rule to the entire team performing the procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t),(v),(w) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing and treating medical and surgical problems is that of the licensed doctor of medicine or osteopathy who is to perform the procedure surgery. In addition, it is the responsibility of the treating physician operating surgeon or an equivalently trained doctor of medicine or osteopathy or a physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the treating physician operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure or other procedure requiring the administration of anesthesia or an anesthetic agent. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the surgical team has been gathered in the operating room and immediately prior to the initiation of any surgical procedure, the surgical team will pause and the operating physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) The provisions of subsection (b) shall be applicable to anesthesia providers prior to administering anesthesia or anesthetic agents, or performing regional blocks at any time both within or outside a surgery setting.

(3) through (4) No change.

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t),(v),(w) FS. History--New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, 9-18-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education for Biennial Renewal      RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the requirements for continuing education.

SUMMARY: The proposed rule amendment permits licensees who obtain the required domestic violence, end of life and palliative health care, HIV/AIDS, or medical errors course for initial licensure, reactivation or reinstatement within 2 years preceding licensure renewal to use the same continuing education to meet the requirements for licensure renewal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (c) No change.

(d) All applicants for an initial license, reactivation or reinstatement of their license who obtained the required domestic violence, end of life and palliative health care, HIV/AIDS, or medical errors course for initial licensure, reactivation or reinstatement within two (2) years immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, HIV/AIDS, or medical errors hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

~~(e)(4)~~ No change.

(2) through (12) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Formulary of Topical Ocular      RULE NO.: 64B13-18.002

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule to add new pharmaceutical agents.

SUMMARY: The existing language in this rule is updated and new pharmaceutical agents are added.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.
LAW IMPLEMENTED: 463.0055 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.
The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (4) No change.
(5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
(a) through (1) No change.
(m) Bromfenac 0.90%
(n) Nopafenac 0.1%
(o) Brimonidine tartrate 0.1%
(6) through (9) No change.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

DEPARTMENT OF HEALTH
Board of Orthotists and Prosthetists

RULE TITLE: Citations
RULE NO.: 64B14-7.004
PURPOSE AND EFFECT: The Board proposes to provide a citation penalty for failure to comply with new Rule 64B14-2.013, F.A.C.

SUMMARY: The proposed rule amendment provides a citation penalty for failure to comply with new Rule 64B14-2.013, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.072, 456.077 FS.
LAW IMPLEMENTED: 456.072, 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.004 Citations.
Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

- (1) through (7) No change.
(8) Failure to pay a one time assessment fee assessed pursuant to Rule 64B14-2.013, F.A.C., in a timely manner: a fine of \$500,000 and payment of the assessment.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History--New 7-1-98, Amended 3-19-02, 10-24-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

DEPARTMENT OF HEALTH
Council of Licensed Midwifery

RULE TITLES: Application Fees, Retired Status Fee
RULE NOS.: 64B24-3.002, 64B24-3.017
PURPOSE AND EFFECT: To update the rules.
SUMMARY: The retired status fee of \$50.00 is to be located in new Rule 64B24-3.017, F.A.C.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Need  
 RULE NO.: 65A-4.208

PURPOSE AND EFFECT: The rule amendment moves the language related to the Relative Caregiver Program (RCP) from Administrative Rule 65A-1.205 as RCP eligibility is only pertinent to individuals who meet Temporary Cash Assistance (TCA) eligibility factors. The rule will provide for a relative caregiver to be referred, or to self-refer, to apply for TCA or RCP assistance.

SUMMARY: The proposed rule amendment provides that a paper or electronic application may be used to apply for TCA and provides for the relative caregiver to be referred, or to self-refer, to the RCP using the Form CF-ES 2305, Relative Caregiver Program Request for Eligibility Consideration or the electronic application for assistance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 39.5083, 414.095(2)(a)(b),(5),(15) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:30 a.m., March 23, 2006  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)921-0253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 65A-4.208 Need.
- (1) No change.
- (2) Application for Temporary Cash Assistance: A specific ACCESS Florida Application, CF-ES Form 2337, Feb 06, incorporated by reference; or an ACCESS Florida Web Application, CF-ES Form 2353, Feb 06, incorporated by

reference, available on the Department's Internet site at www.myflorida.com/accessflorida. The CF-ES 2353 is only accepted electronically. An application must include at least the individual's name, address and signature to initiate the application process. Household members who are ineligible, or who are not applying for benefits, may be designated as non-applicants.

(2) through (9) renumbered (3) through (10) No change.

(11) A relative caregiver may be referred, or self-refer, to the Relative Caregiver Program (RCP) using CF-ES Form 2305, Relative Caregiver Program Request for Eligibility Consideration, Sep 02, incorporated by reference, or by using the CF-ES 2353.

Specific Authority 414.095(19), 414.45 FS. Law Implemented 20.19, 414.095(2)(a)(b),(5),(15) FS. History—New 1-11-98, Amended 5-10-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Government Operations Consultant II  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas  
 RULE CHAPTER NO.: 68A-15

RULE TITLE: Quota Permits; Antlerless Deer Permits;  
 RULE NO.: 68A-15.005

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise hunter quotas on the Camp Blanding wildlife management area (WMA). The effect of the proposed rule change is to enable the agency to better manage fish and wildlife resources and public use on public lands.

SUMMARY: The proposed rule change for the Camp Blanding WMA would clarify that there are two 2-day supervised youth hunts, two 3-day muzzleloading gun hunts, two 5-day spring turkey hunts and that the archery only area permits are valid for one day only; establish a quota of 350 for each of two 3-day archery hunts; allocate 200 of 400 permits (reduced from the current 480) for the general gun still hunt to still hunt area one, and 200 permits to still hunt area two; and establish a quota of 320 for each of the two 9-day general gun dog hunts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

**THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 8:30 a.m. – 5:00 p.m. each day, April 5-6, 2006

**PLACE:** Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," dated June 1, 2006 ~~May 1, 2006~~, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

**PROPOSED EFFECTIVE DATE:** June 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03, 7-1-03, 9-29-03, 7-1-04, 7-2-04, 8-1-04, 5-1-05, 6-1-06.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Nick Wiley, Director, Division of Hunting and Game Management

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Mr. Kenneth D. Haddad, Executive Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 1, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 30, 2005

**BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE CHAPTER TITLE:** Type I Wildlife Management Areas **RULE CHAPTER NO.:** 68A-15

**RULE TITLE:** Specific Regulations for Wildlife Management **RULE NO.:**

Areas – North Central Region 68A-15.062

**PURPOSE AND EFFECT:** The purpose of the proposed rule change is to revise specific area regulations on the Camp Blanding Wildlife Management Area (WMA) and switch the areas on which deer-dog hunting and still hunting were traditionally allowed, prior to portions of the post being closed for security reasons. This change would expand hunting opportunities and allow for the reopening of the south post to hunting. The effect of the proposed rule changes would increase public hunting opportunities by reinstating deer-dog hunting.

**SUMMARY:** The proposed rule change would open the general gun still season on the Saturday before Thanksgiving, closing 57 days thereafter; reduce the traditional 58-day dog hunt season to two 9-day quota hunts (the first hunt opening the Saturday before Thanksgiving and the second hunt opening the Saturday before Christmas); move the dog hunt area to that portion of the current still hunt area which is north of State Road 16; move the still hunt area to south of State Road 16; open the archery and muzzleloading gun hunts Tuesday through Thursday (instead of the current Wednesday through Friday); allow only bucks having at least one antler with three or more points as legal to take in the archery only and still hunt areas; allow bucks with at least one antler 5-inches or more in length as legal to take on the dog hunt area; prohibit the possession of a dog, other than a dog on a leash for trailing

wounded game, in the archery only and still hunt areas; allow vehicles on named or numbered roads only; and prohibit public access except by persons engaged in authorized activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution, 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 5-6, 2006

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. General gun still – Opening the Saturday before Thanksgiving and continuing for 57 days thereafter only in the following areas: November 11 through January 7.

a. Still hunt area one, which is within the area described by a line beginning at the intersection of State Roads 16 and 21 then west along the south side of State Road 16, then south along the east side of D Avenue, then southeast along the northeast side of Quonset Hut road, then southwest on (and including) Prison Camp Road, then east on (and including) Dade Road to Ridge Road, then south on (and including) Ridge Road to Tank Trail, then southeast on (and including) Tank

Trail to Ox Pin, then south on (and including) Ox Pin, then east on (and including) Clay Pit Road, then north along the west side of State Road 21 back north to the intersection of State Roads 16 and 21.

b. Still hunt area two, which is that portion of the Wildlife Management Area south of (and including) Impact Road.

c. The archery only area, in which only bows may be used, is within the area described by a line beginning at the intersection of County Road 225 and Woodbury Road, then southeast on County Road 225 to State Road 16, then south on State Road 16 and County Road 230 to the Camp Blanding boundary on the east side of County Road 230, then east along the Camp Blanding boundary to Duval Road, then south on Duval Road to Yerkes Road, then west on Yerkes Road to Treat Road, then north on Treat Road to Lightning Strike Road, then west and north on Lightning Strike Road to State Road 230, then west on State Road 230 to the Camp Blanding boundary, then north along the Camp Blanding boundary to State Road 16, then east on the south side of State Road 16 to Lightning Strike Road, then north on Lightning Strike Road to Bessent Road, then north on Bessent Road to the starting point. A disjunct portion of the archery only area is south of County Road 215, east of Rifle Range Road, north of State Road 16 and west of the Camp Blanding boundary.

2. General gun dog – Opening the third Saturday of November and continuing for eight days thereafter, and opening the Saturday before Christmas (or Christmas Day when it occurs on a Saturday) and continuing for eight days thereafter. Only in the dog hunt area, which is north of State Road 16 and County Road 215, and east of County Road 225 and West Road.

3.2. Spring turkey – Hunters shall be afforded at least two five-day periods of hunting, with specific hunt dates and locations to be determined by, and at the discretion of, the Camp Blanding Post Base Commander.

4.3. Archery – September 26-28 27-29 and October 3-5 4-6, only in the still hunt areas, north of State Road 16 and County Road 215 and east of County Road 225 only, and November 11 through January 7 in designated archery area west of County Road 225 and north of Yerkes Road only.

5.4. Supervised youth – The Saturday and Sunday prior to Columbus Day, and the Saturday and Sunday 12 and 13 days (respectively) after Columbus Day, site to be determined by the Camp Blanding Post Commander.

6.5. Muzzleloading gun – October 10-12 11-13 and 17-19 18-20, only in the still hunt areas, north of State Road 16 and County Road 215 and east of County Road 225 only.

7.6. Fishing – Permitted only on designated fish management areas, per fish management area regulations.

8.7. Trapping – December 1 through January 7, only in the still hunt areas portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) Legal to take: All legal game, fish and furbearers. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons and the Monday, Tuesday and Wednesday before Thanksgiving Day. Taking of antlered deer not having at least one antler with three or more points, each one inch or more in length, is prohibited in the archery only and still hunt areas. Antler restrictions shall not apply during the supervised youth hunt. During the supervised youth hunts, only wild hogs and one antlered or antlerless deer may be taken per youth.

(c) Camping: Prohibited.

(d) General regulations:

~~1. After the first nine days of the general gun season, a daily quota of hunters will be admitted at the check stations as follows: still hunt 480; south of State Road 16 and north of Dade Road, 200; south of Impact Road, 120.~~

~~1.2. All persons~~ Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

~~2.3. Hunters may enter the area with their hunting equipment and Guns or dogs (where legal) may be taken into the area one hour before sunrise and shall exit the area with their equipment and dogs be removed each day of the hunting seasons by one hour after sunset.~~

~~3.4. Possession or use of a dog, other than a dog on a leash for trailing wounded game, is prohibited except in the dog hunt area. Hunting with dogs other than bird dogs is prohibited in that portion of the area north of State Road 16 and east of County Road 225, and in the walk-in area south of Dade Road to north of Impact Road during the general gun season.~~

~~4.5. Vehicles may be operated only on named or numbered roads, within areas open for hunting, unless posted as closed. Paved or graded roads in that portion of that area north of State Road 16 and east of County Road 225. The use of vehicles south of Dade Road, east of Whitamore Road and north of Impact Road is prohibited.~~

~~5.6. During the spring turkey quota hunts, hunters will be assigned to a zone and may enter only that zone shall hunt only in the zone to which he is assigned. Persons assigned to Zone A shall use only Barker and Black Creek roads to enter and exit the area. Vehicles may be operated only on graded or paved roads. Hunters may not enter the area before at 5:00 a.m. each day and shall exit by 1:00 p.m. of each hunt day. During spring turkey hunts, only persons eligible for hunters participating in the hunt are permitted in the area.~~

~~6.7. Public access is prohibited except by persons engaged in authorized activities, but only during the time and in those areas where the authorized activity is allowed in the designated dud area.~~

~~8. Hunting hogs by use of dogs is prohibited.~~

~~7.9. Only shotguns are permitted during the spring turkey season.~~

~~8.10. Shotguns are prohibited during the archery season.~~

~~9.11. Only muzzleloading guns are allowed during the muzzleloading gun season. Still hunters entering the area west of State Road 21, south of Dade Road, and east of Monerief Road, and north of Impact Road, must obtain a daily permit at Check Station No. 1 or 3 before entering the area.~~

~~10.12. During the supervised youth hunt, only persons under 16 years of age but not younger than eight years of age, and under the supervision and in the presence of an adult, not younger than 18 years of age as provided in Section 790.22, F.S., may hunt.~~

~~11.13. The possession or consumption of intoxicating beverages or drugs is prohibited.~~

~~12.14. Fires are prohibited.~~

~~13.15. The use of all-terrain vehicles (ATVs) is prohibited, except as authorized by written permit from the Post Base Commander.~~

~~14. Access to still hunt area one, still hunt area two and the dog hunt area is allowed only through Florida Fish and Wildlife Commission check stations 1, 2 or 3.~~

~~(2) through (36) No change.~~

PROPOSED EFFECTIVE DATE: July 2, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-2-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley, Director, Division of Hunting and Game Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2005



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Oysters

RULE TITLE: Apalachicola Bay Oyster Harvesting Restrictions

RULE NO.: 68B-27.017

PURPOSE AND EFFECT: The purpose of this rule amendment is to make a technical change that will conform an Apalachicola Bay harvest rule to a rule amendment adopted last year that shifted the oyster harvesting season in Apalachicola Bay by one month.

SUMMARY: The proposed rule would allow oysters to be harvested in Apalachicola Bay for commercial purposes any day of the week during the period beginning on November 16 each year through May 31 of the following year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 5-6, 2006

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH

RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

- (1) No change.
- (2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through May 31 ~~June 30~~ of the following year.
- (b) No change.
- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Formerly 46-27.017, Amended 6-1-99, 9-1-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.