

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: 15B-2.013
 RULE TITLE: Approved Speed Measuring Devices
 PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to incorporate those speed measuring devices that have been approved since the last revision to Rule 15B-2.013, F.A.C.

SUMMARY: Changes are being made to the Department’s rule on Approved Speed Measuring Devices to incorporate those speed measuring devices that have been approved since the last revision of Rule 15B-2.013, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 316.1905 FS.
 LAW IMPLEMENTED: 316.1905, 316.1906 FS.

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

DATE AND TIME: Wednesday, December 23, 2009, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

- (a) through (c) No change.
- (d) Kustom Electronics, Inc., or Kustom Signals, Inc. 1. through 29. No change.

30. Raptor RP-1.

- (e) through (g) No change.
- (2) through (4) No change.

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

- (a) through (c) No change.
- (d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B-Model Speed Laser R. Model Speed Laser S.

Rulemaking Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History--New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. Ronald W. Castleberry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-11.006
 RULE TITLE: Enrollment Procedures for New Hires

PURPOSE AND EFFECT: To adopt a revised form and to clarify certain procedures.

SUMMARY: To adopt the revised version of the "EZ" enrollment form; to specify what information needs to be completed on the form; and to indicate beneficiary designations may be done electronically.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared in an abundance of caution.

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

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.021(29), (39), 121.091(8), (9), 121.4501(2), (3), (4), (8), (13), (14), (15), (20), 121.591, 121.77 FS.

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

DATE AND TIME: Monday, December 21, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308; telephone: (850)413-1182; ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 19-11.006 Enrollment Procedures for New Hires.
- (1) Purpose. No change.
- (2) Definitions. No change.
- (3) General Enrollment Procedures. No change.
- (4) Specific Enrollment Procedures.

(a) No change.

(b) The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the information outlined in this Rule 19-11.006, F.A.C., for his membership class in a separate document. Employees may determine their membership class by inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment form which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment form for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan form; a Community College Optional Retirement Program Retirement Plan Choice form; a State University System ORP-Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan form; and a Local Senior Management Service Employees Retirement Plan form.

1. All enrollment forms can be obtained at the sources listed in paragraph (3)(b), above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, "EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees," Form ELE-1-EZ, rev. 01/10 07/07, which is hereby adopted and incorporated by reference. If an employee chooses to use the EZ form, only limited information (i.e., name, plan choice, social security number and signature) is required, ~~and~~ The FRS Select Moderate Balanced Fund is the only initial investment option (although that investment option may be changed by the Member once the account is funded), and No beneficiary identifying information is required on the EZ form. However, beneficiary designations must be made either on forms prescribed for that purpose or electronically by logging on to MyFRS.com, clicking on "manage benefits," then clicking on "manage investments," and then clicking on "personal info." If no beneficiary designation is made, the Plan ~~or~~ funds will be distributed, at the Member's death, in accordance with Florida law and Rule 19-11.002, F.A.C. Beneficiary designation forms may be obtained from the same sources listed in paragraph (3)(b), above.

(c) through (f) No change.

(5) through (9) No change.

Rulemaking Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

EXECUTIVE OFFICE OF THE GOVERNOR

Comprehensive Planning

RULE NO.: 27E-5.007 RULE TITLE: Rule Adoption and Approval
 PURPOSE AND EFFECT: To comply with Section 186.508, Florida Statutes, regarding challenges to rules adopting and amending strategic regional policy plans.

SUMMARY: To comply with Section 186.508, Florida Statutes, regarding challenges to rules adopting and amending strategic regional policy plans.

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

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

RULEMAKING AUTHORITY: 186.507(2) FS.

LAW IMPLEMENTED: 186.507 FS.

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

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 24 hours before the workshop/meeting by contacting: Simonne Lawrence, (850)488-3494 or simonne.lawrence@eog.myflorida.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Simonne Lawrence, Assistant General Counsel, Executive Office of the Governor, The Capitol, Tallahassee, Florida, (850)488-3494 or simonne.lawrence@eog.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27E-5.007 Rule Adoption and Approval.

(1) Upon receiving the Findings and Recommendations Report, the council may amend the proposed plan to reflect any changes recommended in the Findings and Recommendations Report or by public or local government comment and shall then notice and conduct rulemaking to adopt the plan pursuant to the procedural requirements of Section 120.54, F.S. The rules shall be adopted by the council within 90 days after receipt of the Findings and Recommendations Report

submitted by the Executive Office of the Governor. Any rule adopting the plan shall not be subject to a rule challenge pursuant to Section 120.56(2)536, F.S., or to drawout proceedings pursuant to Section 120.54(3)(c), F.S., but once adopted, shall be subject to an invalidity challenge under Section 120.56(3), F.S., by substantially affected persons. The council shall comply with the notice requirements in Section 120.54, F.S., and shall make available copies of the Findings and Recommendations Report and other materials developed in conjunction with the proposed plan in accordance with the requirements of Section 120.54, F.S.

(2) through (3) No change.

Rulemaking Specific Authority 186.507(2), 186.508(1) FS. Law Implemented 186.508, 186.507(15) FS., as amended by Chapter 95-322, L.O.F. History--New 7-6-94, Amended 10-22-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Office of Policy and Budget, Executive Office of the Governor
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Office of Policy and Budget, Executive Office of the Governor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify distinctions in permissible use and storage of religious items; amend the list of religious items permitted for individual worship or for wearing or carrying all times; create a limitation on the amount of time inmates may possess food and drink items purchased from the canteen; clarify the number and type of envelopes inmates are permitted to possess; and specify that inmates who are transferred to a Department facility from jail have 30 days to dispose of unauthorized property.

SUMMARY: The proposed rule clarifies distinctions in permissible use and storage of religious items, amends the list of religious items permitted for individual worship or for wearing or carrying at all times, creates a limitation on the amount of time inmates may possess food and drink items purchased from the institutional canteen, clarifies the number and type of envelopes inmates are permitted to possess, and specifies that inmates who are transferred to a Department facility from jail have 30 days to dispose of unauthorized property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) The reception center Chief of Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The Chief of Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to ~~the~~ Form DC6-224, Inmate Personal Property List, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2)(a) No change.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property ~~that which~~ is not authorized within the Department and ~~that which~~ is to be stored. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file. The unauthorized property will be held at the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend, or to mail money or valuables to their families or other persons of their choice at no expense to the Department of Corrections. The 30 day ~~time~~ period will not include any time during which an appeal or grievance is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. through 5:00 p.m.).

(3) No change.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~Department department~~ once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space, or other non-authorized storage containers, or store property in locations other than ~~his their~~ assigned housing unit.

(b) through (d) No change.

(e) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to ~~the~~ Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original canteen receipt. Food and beverage items purchased from the canteen are intended for consumption, and inmates may not retain such items longer than 30 days, as evidenced by the canteen receipt. A food or beverage item shall be considered contraband if found in the possession of an inmate more than 30 days after its purchase.

(f) An inmate transferred from a jail or private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the ~~Department department~~ in Appendix One ~~4~~. Any unauthorized item will be confiscated and held by the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative or friend, or to mail the items to persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which a grievance or appeal is pending.

(5) Unauthorized Property- (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property ~~that which~~ is ~~considered~~ contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided ~~for~~ in Rule 33-602.203, F.A.C.

1. If an inmate receives postage stamps in the mail ~~that which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband.

2. If an inmate receives photographs in the mail ~~that which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess photographs out at his own expense. It is the inmate's responsibility to make arrangements with staff to send

out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

3. through (b) No change.

(6) Storage of Excess Legal Materials.

(a) No change.

(b) Storage of Legal Material. Each inmate is authorized to possess in his ~~or her~~ assigned housing area his own active or inactive legal material not exceeding the capacity of storage available in the inmate's assigned locker.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or Chief of Security ~~chief of security~~ that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the Department ~~department~~ providing:

a. The inmate shall have one week (seven calendar days); to organize and inventory his ~~or her~~ legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his ~~or her~~ legal material the inmate will not be able to fit his active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, Request for Storage of Excess Active Legal Material, and Form DC6-2008, Excess Active Legal Material Inventory List, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his ~~or her~~ legal material, the inmate shall, prior to the expiration of the seven calendar day period, submit an inmate request to the warden to ask for additional time to complete his review. The inmate shall specify the basis for the request for additional time and how much additional time will be required to complete ~~the inmate's~~ organizing and inventorying ~~of his or her~~ legal material. The total period of time for the inmate to complete this review shall not exceed 30 calendar days.

4. In the event the inmate refuses to organize and inventory his ~~or her~~ legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate shall receive a disciplinary report and the Department ~~department~~ shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by Department ~~department~~ staff to ensure compliance with Department ~~department~~ rules regarding utilization of excess storage, approved property, and contraband. This review will only be conducted in the presence

of the inmate. Only the case style, signature on the document (if any), and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material; shall be collected by two designated employees and placed in ~~storage~~ box(es) with interlocking flaps for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, as provided in subparagraph (6)(c)6., or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. No change.

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of ~~the~~ excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the determination to the Office of the Secretary ~~office of the secretary~~. The written notice must be filed within 15 calendar days of the determination. It ~~and~~ shall include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

8. If the inmate fails to file written notice with the warden within 15 calendar days of the determination, fails to provide Form DC6-2007, Excess Inactive Legal Material Disposition Determination, as an attachment to the ~~his or her~~ appeal, addresses more than one issue, or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., the ~~his or her~~ appeal shall be returned without response to the issue raised.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a

statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

10. If the inmate's appeal is denied, ~~the inmate he or she~~ shall have 30 days to make arrangements to have the materials picked up by an approved visitor, relative, or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution shall destroy it.

11. Prior to being stored in excess storage, excess active legal material shall be placed in ~~storage~~ box(es) with interlocking flaps, shall be numbered in sequential order, and shall have the inmate's name and ~~Department department of corrections~~ number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, Excess Active Legal Material Inventory List, shall be completed or updated by the inmate before the box(es) are sent or returned to excess storage.

12. through (d) No change.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of ~~active his or her~~ legal material stored in excess storage, the inmate shall:

a. Notify the property room officer by submitting ~~Inmate Request~~, Form DC6-236, Inmate Request; and

b. through 2. No change.

3. After receipt of a box of ~~his or her~~ legal materials from excess storage, the inmate shall then be permitted to exchange those active legal materials in the requested box with other active legal materials in the inmate's assigned locker.

4. through 5. No change.

(f) Transfer. An inmate being transferred to another institution shall be permitted to take along ~~with his or her other personal property~~ all of the inmate's ~~his~~ legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and secured in a manner ~~that which~~ will safeguard it from loss, damage, destruction, or theft while it is under the control of the Department. If the property impounded does not belong to the inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items

immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the ~~Department department~~ at one of the reception centers will have their property recorded on Form DC6-220, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the ~~Department department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the ~~Department department~~ to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. through 2. No change.

3. If an inmate refuses to sign the inventory list, or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present.

4. through (c) No change.

(d) Authorized property impounded during a period of close management, administrative confinement, or disciplinary confinement shall be held at the institution and returned to the inmate at the end of such period.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. No change.

2. The remaining unauthorized impounded property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative, or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period shall not include any time during which an appeal or grievance proceeding relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative confinement, or disciplinary confinement.

3. through (g) No change.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, whenever an inmate is transferred from one institution to another, the inmate's personal property and personal property file shall be transferred with him. The sending institution shall have the responsibility of ensuring that

the inmate being transferred has only that property ~~that which~~ belongs to him and that such property is authorized. The inmate and the officer inspecting the property shall sign and date Form DC6-227, Receipt for Personal Property, at the time of transfer. Any property that is left behind or missing shall be noted on the form.

(i) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from the emergency preclude forwarding within five days. The property, along with an itemized list, shall be placed in a sealed container for transporting. A staff member at the receiving institution shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC6-227, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC6-227, ~~Receipt for Personal Property~~, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(8) through (9) No change.

(10) When, with the prior knowledge of the Department, an inmate is not under the immediate control of the Department for more than 24 hours ~~with the prior knowledge of the Department~~ and his ~~or her~~ personal property does not accompany him ~~or her~~, it will be inventoried and held until the inmate's his or her return.

(11) When an inmate dies, escapes, or otherwise voluntarily abandons his ~~or her~~ property, the procedures listed below will be followed:

(a) through (b) No change.

(c) If this effort is successful, a signed receipt for the property will be obtained from the person taking possession of the property, and the receipt will be placed in the inmate's personal property file.

(d) through (e) No change.

(12) The warden or ~~his~~ designee, shall determine how an inmate's personal property shall be managed when the that inmate has to appear at a disciplinary hearing by evaluating the following factors:

(a) through (c) No change.

(13) The warden or ~~his~~ designee is authorized to require an inmate to bring all of his personal property to the disciplinary hearing if the warden or designee ~~he~~ determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) When an inmate's property is ~~being~~ returned after being stored for any reason and items documented on ~~the~~ Form DC6-224, Inmate Property List, cannot be located, this fact shall be documented on the form. Any request for

compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, the assistant warden or other designee of the warden, shall conduct an investigation of the loss. The investigation shall be completed and forwarded within 30 ~~thirty (30)~~ days.

(c) through (15) No change.

(16) Religious Property.

(a) Definitions.

1. Religious property – property adhering to the tenets of a particular religion, including items for wearing or carrying at all times, items for individual worship in the inmate's cell or individual sleeping area in open dormitory style housing, and items for storage and supervised use at the institutional chapel.

2. Koofi – short, brimless cap worn by male followers of Islam.

3. Prayer rope – short, knotted rope used for individual worship by followers of the Greek Orthodox faith.

4. Prayer rug – small rug on which followers of Islam conduct individual worship.

5. Prayer shawl – shawl with tassels or twisted threads on each corner worn by followers of Judaism, Messianic Judaism, and the Assembly of Yashua for Morning Prayer and on holy days; it may be accompanied by a small cloth prayer shawl bag that is used for storing the item when it is not being worn.

6. Rakusu – small, bib-like garment worn about the neck by followers of Buddhism.

7. Runes – small tiles, each inscribed with a runic letter, used for individual worship by followers of Odinism or Asatruism.

8. Scapular – two small squares, sometimes bearing religious images or texts, connected by string and worn about the shoulders of followers of Catholicism.

9. Tarot cards – deck of 78 cards depicting spiritual entities used for individual worship.

10. Tefillin – two small leather boxes, each containing a black leather strap inscribed with religious text. The tefillin are wrapped around the body by followers of Judaism as a form of individual worship and may be accompanied by a small cloth tefillin bag that is used for storing the items when they are not being worn.

11. Tzitzit – four-cornered garment with tassels or twisted threads on each corner worn by followers of Judaism, Messianic Judaism, and the Assembly of Yashua. When the tzitzit is worn underneath the clothing, the tassels are to hang below the outer garment.

12. Yarmulke (or Kippah) – small, round cap worn by male followers of Judaism, Messianic Judaism, and the Assembly of Yashua.

13. Zafu – a meditation cushion used by followers of Buddhism.

(b) Unless otherwise prohibited by Department rule, inmates shall be permitted to possess, for personal use, the following religious items or material:

1. Religious publications as defined in Rule 33-503.001, F.A.C., for personal use that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by Department rule or by paragraph (e) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in their assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal may be by mailing at the inmate's expense or by waste disposal and must be done before the inmate shall be permitted to possess items adhering to the new religious preference. An inmate shall be allowed to maintain the following religious items in his individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate shall not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his housing area; however, if an inmate does not possess a necessary item for individual worship in his housing area and the item is available at the institutional chapel, the inmate shall not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1.2. Religious items adhering to the tenets of a particular religion for wearing or carrying at all times or use during individual worship. Items may include:

a. Jewish – black yarmulke, white tzitzit worn underneath the clothing with the fringes permitted to hang below the bottom of the shirt;

b. Catholic – devotional scapular worn underneath the clothing rosary beads;

c. Muslim – white prayer rug, koofi for men, white or blue headscarves for women with a possession limit of four scarves;

d. Native American – medicine bag, headband, feather and;

e. Assembly of Yashua – black yarmulke, white tzitzit worn underneath the clothing with the fringes permitted to hang below the bottom of the shirt; Asatru or Odinism – runes and accompanying cloth bag;

f. Rastafarian – white or blue headscarves for women with a possession limit of four scarves;

g. Messianic Jewish – black yarmulke, white tzitzit worn underneath the clothing with the fringes permitted to hang below the bottom of the shirt;

h. One set of prayer beads, such as Rosary, Dhikr, Orisha, Mala, or Japa-Mala beads;

i.3. One religious symbol or medallion. Religious symbols such as a cross, Star of David, or talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter, and Religious symbols and items worn about the neck shall be worn under the shirt on a jewelry-type chain. Religious symbols that are designed to be affixed to clothing with a pin are not permitted.

2. Religious items for individual worship in an inmate's assigned cell or individual sleeping area:

a. Jewish – prayer shawl (white or white with colored trim) no larger than 72" x 72", one set of tefillin;

b. Muslim – prayer rug no larger than 30" x 42";

c. Asatru or Odinism – runes and accompanying cloth bag;

d. Greek Orthodox – prayer rope;

e. Buddhist – black or brown Rakusu;

f. Assembly of Yashua – prayer shawl (white or white with colored trim) no larger than 72" x 72";

g. Messianic Jewish – prayer shawl (white or white with colored trim) no larger than 72" x 72";

h. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5 x 11 inches.

(d)(b) Religious items to be stored and used in the chapel. The inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a general security risk when allowed in an inmate's cell or sleeping area if assigned to an open dormitory housing unit dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer, and these items shall be stored in the chapel:-

1. Tarot cards Jewish – prayer shawl, tefillin;

2. Wiccan – stones or crystals tarot cards; and

3. Buddhist – meditation cushion or Zafu.

(e) Limitations on Use of Religious Property.

1. Inmates in a transitional care unit, an isolation cell, observation cell, isolation management room, crisis stabilization unit, on self-harm observation status, or housed at Corrections Mental Health Institution (CMHI) are not permitted to store or use religious property, other than religious publications as provided in paragraph (a) of this subsection, without review and approval by the inmate's Multidisciplinary Services Team.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement shall be permitted to possess items for wearing or carrying at all times and items for individual worship unless the warden or designee finds that the inmate's possession of the item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following shall be considered:

a. The physical characteristics of the item and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;

b. Limitations on possession or access, if any, that may be dictated by the characteristics of the inmate's custody classification or management status.

~~(e) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include:~~

1. ~~Alcoholic beverages or wine;~~
2. ~~Wiccan — stones or crystals.~~

~~(f)(d) Religious property and other religious items shall be acquired through an authorized vendor, canteen purchase, or bona fide religious organization, or donor.~~

~~(g)(e) The chaplain at the institution shall serve as advisor to staff and inmates in the area of religious property listed in paragraphs (c) and (d) of this subsection at the institution. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency Chaplaincy Services Administrator chaplaincy services administrator shall provide advice and guidance to the Department department regarding approved religious items, religions and religious items not listed in this rule, religions and other Department department religious issues.~~

~~(h)(f) Inmate requests for religious property not listed in this rule shall be reviewed by the agency Chaplaincy Services Administrator chaplain to determine whether the item is required by the inmate's particular religion. If the Chaplaincy Services Administrator determines that the item is required by the inmate's religion, the agency security bureau chief shall conduct a review and security personnel to determine whether the item presents a specific and definable threat to security and order. In determining whether an item presents a threat to security and order the following shall be considered:~~

~~1. The physical characteristics of the item requested and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;~~

~~2. Limitations on possession or access, if any, that may be dictated by the characteristics of a particular inmate's custody classification or management status.~~

~~(17) No change.~~

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08,_____.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to Department department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in Department department canteens, items purchased in canteens at private facilities will not always be admissible in Department department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or canteen) Light blue or white – female only
7	each		Light blue – male Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (female only) (canteen)
1	pair		Shower slides (canteen)
3	each		Slips (state issue – female only)
6	pair		Socks (state issue or canteen)
1	each		Supporter, athletic (male only) (canteen)
2	each		Sweatshirts (gray only) (canteen order)
4	each		Undershorts (male only) (state issue or canteen)
2	each		Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	set		Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coffee mug – plastic (canteen)
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
2	each		Crème rinse and conditioner (canteen)
1	each		Cup, drinking – plastic (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)

1	each	Denture adhesive (state issue or canteen)
1	each	Denture cup (canteen order)
2	each	Deodorant and antiperspirant (no aerosols) (canteen)
1	set	Domino (light wood or plastic, standard size) (canteen order)
1	pair	Earphone pads (replacement) (canteen order)
1	pair	Ear rings, post type (female only) (canteen order)
*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack	Emery board – cardboard (canteen)
25 +	pack each	Envelopes – legal (#10 size) and oversized (canteen)
<u>5</u>	<u>each</u>	<u>Envelopes – oversized (10" x 13") (canteen)</u>
*		Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*		File folders (*limited by storage space)
<u>20</u>		<u>Greeting cards and accompanying envelopes</u>
1	each	Hairbrush – nonmetal, handles for females only (canteen)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each	Hair net (female only) (canteen)
25	each	Hair rollers (female only) (canteen)
2	each	Handballs or racketballs (canteen)
1	each	Headphones for use with radio (canteen)
1	each	Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to storage space limitations
1	each	Insect repellent (canteen)
1	each	Jigsaw puzzle (canteen order)
1	each	Laundry bag (state issue or canteen)
1	each	Lighter, disposable (approved type) (canteen)
1	each	Lip balm (canteen)
1	each	Locks, combination (V68 series) (canteen)
1	each	Make-up bag, clear only (female only) (canteen)
1	each	Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each	Moisturizer – no mineral oils, no vaseline (canteen)
1	each	Mouthwash (canteen)
1	each	Nail clippers, not to exceed 2 1/2" (canteen)
2	pack	Notebook paper (canteen)
4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)

*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4" × 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

NAME OF PERSON ORIGINATING PROPOSED RULE:

George Sapp, Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Walter A McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: October 16, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-35.020	Applicability
59A-35.030	Definitions
59A-35.040	License Required; Display
59A-35.050	Fees Required; Adjustments
59A-35.060	Licensure Application Process
59A-35.062	Proof of Financial Ability to Operate
59A-35.064	Initial Application
59A-35.065	License Renewal
59A-35.070	Change of Ownership
59A-35.080	License Categories
59A-35.090	Background Screening
59A-35.100	Minimum License Requirements
59A-35.110	Reporting Requirements; Electronic Submission
59A-35.120	Inspections
59A-35.140	Administrative Fines
59A-35.150	Moratorium; Emergency Suspension

PURPOSE AND EFFECT: Chapter 59A-35, Florida Administrative Code, is being developed to establish uniform procedures for licensure of health care facilities as authorized in Chapter 408, Part II, Florida Statutes.

SUMMARY: This proposed rule will establish licensure requirements, application procedures and administrative proceedings for all health care providers licensed by the Agency for Health Care Administration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Subject: Chapter 59A-35, Florida Administrative Code (F.A.C.) is being promulgated under the authority of Chapter 408, Florida Statutes (F.S.), to establish uniform licensure procedures for facilities and services regulated by the Agency for Health Care Administration.

Statutory Authority (including citation authorizing new or increased fees): Section 408.819, F.S., grants the Agency rulemaking authority for administration of Part II of Chapter 408, F.S. Annual adjustment of licensure fees and fees for issuance of a revised or duplicate license are authorized in Section 408.805, F.S.

Small Business Impact Certification Statement:

Good faith estimate of transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule:

As some regulated entities are sole proprietors and others are large corporations, the sophistication of licensees varies so paperwork and submission time estimates are not feasible for the multiple types of providers regulated by the Agency. But it is expected that over time the transactional costs will not increase and may, in fact, decrease.

The entities and individuals affected by the proposed rule will be required to become familiar with new, standardized forms to be used by all regulated providers. While this familiarization

will require some additional time in the first licensure submission, the standardization of the application processes will ultimately not require additional time across the two-year licensure period that is a part of these revisions. The elimination of one of the annual licensure applications (for most provider types) will represent an efficiency to the regulated entity.

The proposed rule would impose Background Screening Fees not previously required of some providers and require fee increases for categories of providers that do not currently pay fees sufficient to cover the cost or regulation of those providers. The following provider types do not currently pay fees that cover the cost of Agency licensing programs:

- Abortion Clinics
- Adult Family Care Homes (AFCH)
- Assisted Living Facilities (ALF)
- Ambulatory Surgical Centers
- Birth Centers
- Homemaker Companion Services Providers
- Health Care Services Pools
- Home Medical Equipment Providers
- Homes for Special Services (HHS)
- Hospices
- Hospitals
- Multiphasic Health Testing Centers (MHTC)
- Prescribed Pediatric Extended Care Centers (PPEC)
- Risk Managers

Licensed providers will be required to submit an application and license fee for a change of ownership sixty days prior to the change and will be charged a late fee of \$50 per day for each day that application is late. There will be a maximum of \$1,000 for these late fees.

Small entities that do not have electronic submission capabilities will be required to secure access to computers through public facilities such as libraries or purchase time or equipment to enable them to submit information electronically. This rule will effect some local governments who hold licenses from AHCA. The impact is expected to be insignificant.

Analysis per Florida Statutes:

The Agency for Health Care Administration regulates thirty categories of health care providers totaling more than 32,000 licensees. In 2006, the Florida Legislature passed Chapter 2006-192, Laws of Florida, that established a revised licensure process, standardized across the many types of providers. These proposed rules will establish procedures for implementing that licensure with requirements and forms that are consistent for all providers and will accommodate the new two-year licensure period for all licensees.

Each of the items provided by Section 120.541(2), Florida Statutes, is addressed for the proposed Rule Chapter 59A-35, F.A.C.:

Good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule:

The proposed rule will affect all providers licensed by the Agency. There are approximately 32,000 individuals and entities licensed by the Agency in twenty-eight licensure categories. This number includes entities from small businesses to large corporations as well as individuals.

The categories of facilities licensed by the Agency are:

- Abortion Clinics
- Adult Day Care Centers (ADCC)
- Adult Family Care Homes (AFCH)
- Ambulatory Surgical Centers
- Assisted Living Facilities (ALF)
- Birth Centers
- Clinical Laboratories
- Crisis Stabilization Units and Short Term Residential Treatment Facilities
- Drug-free Workplace Laboratories
- Health Care Clinics
- Health Care Services Pools
- Homes for Special Services (HHS)
- Home Health Agencies
- Homemaker Companion Services
- Home Medical Equipment Providers
- Hospices
- Hospitals
- Intermediate Care Facilities for the Developmentally Disabled Persons (ICFDD)
- Multiphasic Health Testing Centers (MHTC)
- Nurse Registries
- Nursing Homes
- Organ, Tissue and Eye Procurement Organizations
- Prescribed Pediatric Extended Care Centers (PPEC)
- Residential Treatment Centers for Children and Adolescents
- Residential Treatment Facilities
- Risk Managers
- Transitional Living Facilities (TLF)

Agency regulatory programs include facilities that are not licensed under state law and do not pay fees under the proposed rule, but are certified and monitored by the Agency:

- Commercial HMOs/PHCs/EPOs
- Diagnostic Imaging Services
- Medicaid HMOs
- Comprehensive Outpatient Rehabilitation Facilities
- Partial Hospitalization Programs
- Portable X-ray Equipment
- Rehabilitation Agencies
- Rural Health Clinics

Good faith estimate of the cost 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:

Implementing and enforcing the proposed standardized licensing rules will not result in significant increase in the costs to the Agency.

If the rule is challenged there will be litigation costs.

A small number of entities that are licensed to local government entities will be affected by these rules. The impact is expected to be insignificant.

The effect on state revenue other than licensure fees from regulated entities is negligible.

Forms, Definitions and Acronyms: (include or list where they can be found):

Definitions of terms used in these rules are found in Section 408.803, F.S., and in the proposed rule Chapter in Rule 59A-35.030, F.A.C.

Agency Small Business Outreach:

Notice of development of uniform licensure rules was published in the Florida Administrative Weekly and communicated to providers and provider organizations. Organizations licensed and regulated by the Agency received correspondence detailing the revised procedures and submission requirements resulting from statutory revisions.

Comments Received on Rule (include where they can be found):

No comments were received from persons identifying themselves as representatives of small business concerns.

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

RULEMAKING AUTHORITY: 408.819 FS.

LAW IMPLEMENTED: 408.819 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 6, 2010, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

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 days before the workshop/meeting by contacting: April Scott, 2727 Mahan Drive, MS #40, Tallahassee, FL 32308, or at (850)410-3400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: April Scott, 2727 Mahan Drive, MS #40, Tallahassee, FL 32308 or at (850)410-3400

THE FULL TEXT OF THE PROPOSED RULES IS:

HEALTH CARE LICENSING: GENERAL PROVISIONS

59A-35.020 Applicability.

The requirements of Chapter 408, Part II, F.S., and this rule chapter apply to:

(1) Drug Free Workplace Laboratories as provided under Section 112.0455 and Section 440.102, F.S.:

(2) Birth Centers, as provided under Chapter 383, F.S.:

(3) Abortion Clinics, as provided under Chapter 390, F.S.:

(4) Crisis Stabilization Units, as provided under Parts I and IV of Chapter 394, F.S.:

(5) Short Term Residential Treatment Units, as provided under Parts I and IV of Chapter 394, F.S.

(6) Residential Treatment Facilities, as provided under Part IV of Chapter 394, F.S.:

(7) Residential Treatment Centers for Children and Adolescents, as provided under Part IV of Chapter 394, F.S.:

(8) Hospitals, as provided under Part I of Chapter 395, F.S.:

(9) Ambulatory Surgical Centers, as provided under Part I of Chapter 395, F.S.:

(10) Mobile Surgical Facilities, as provided under Part I of Chapter 395, F.S.:

(11) Health Care Risk Managers, as provided under Part I of Chapter 395, F.S.:

(12) Nursing Homes, as provided under Part II of Chapter 400, F.S.:

(13) Home Health Agencies, as provided under Part III of Chapter 400, F.S.:

(14) Nurse Registries, as provided under Part III of Chapter 400, F.S.:

(15) Companion Services or Homemaker Services Providers, as provided under Part III of Chapter 400, F.S.:

(16) Hospices, as provided under Part IV of Chapter 400, F.S.:

(17) Homes for Special Services as provided under Part V of Chapter 400, F.S.:

(18) Transitional Living Facilities, as provided under Part V of Chapter 400, F.S.:

(19) Prescribed Pediatric Extended Care Centers, as provided under Part VI of Chapter 400, F.S.:

(20) Home Medical Equipment Providers, as provided under Part VII of Chapter 400, F.S.:

(21) Intermediate Care Facilities for the Developmentally Disabled, as provided under Part VIII of Chapter 400, F.S., F.S.:

(22) Health Care Services Pools, as provided under Part IX of Chapter 400, F.S.:

(23) Health Care Clinics, as provided under Part X of Chapter 400, F.S., including certificate of exemption:

(24) Assisted Living Facilities, as provided under Part I of Chapter 429, F.S.:

(25) Adult Family-Care Homes, as provided under Part II of Chapter 429, F.S.:

(26) Adult Day Care Centers, as provided under Part III of Chapter 429, F.S.:

(27) Clinical Laboratories, as provided under Part I of Chapter 483, F.S.:

(28) Multiphasic Health Testing Centers, as provided under Part II of Chapter 483, F.S.:

(29) Organ and Tissue Procurement Agencies, as provided under Chapter 381, F.S.

Rulemaking Authority 408.819 FS. Law Implemented 408.802 FS. History–New _____.

59A-35.030 Definitions.

(1) “Address of record” means the location that is printed on the license and is the address at which the provider is licensed to operate. In the event a license displays multiple locations including branch offices, satellite offices, or off-site locations, the address of record is the main or principle office address.

(2) “Agency notification” or “Agency request” means the Agency sends notification by:

(a) Mail or personal delivery to the address of record for a licensee or applicant.

(b) Mail to an alternative mailing address if requested by the licensee or applicant, or

(c) Electronic mail if an electronic mail address has been provided.

(3) “Days” means calendar days.

(4) “Management company” means an entity retained by a licensee to administer or direct the operation of a provider. This does not include an entity that serves solely as a lender or lien holder.

Rulemaking Authority 408.819 FS. Law Implemented 408.803 FS. History–New _____.

59A-35.040 License Required; Display.

(1) A license is valid only for the licensee, provider, and location for which the license is issued as it appears on the license.

(2) Any request to amend a license must be received by the Agency in advance of the requested effective date as detailed below. Requests to amend a license are not authorized until the license is issued.

(a) Requests to change the address of record must be received by the Agency 60 to 120 days in advance of the requested effective date for the following provider types:

1. Birth Centers, as provided under Chapter 383, F.S.;
2. Abortion Clinics, as provided under Chapter 390, F.S.;
3. Crisis Stabilization Units, as provided under Parts I and IV of Chapter 394, F.S.;
4. Short Term Residential Treatment Units, as provided under Parts I and IV of Chapter 394, F.S.;
5. Residential Treatment Facilities, as provided under Part IV of Chapter 394, F.S.;
6. Residential Treatment Centers for Children and Adolescents, as provided under Part IV of Chapter 394, F.S.;
7. Hospitals, as provided under Part I of Chapter 395, F.S.;
8. Ambulatory Surgical Centers, as provided under Part I of Chapter 395, F.S.;
9. Nursing Homes, as provided under Part II of Chapter 400, F.S.;
10. Hospices, as provided under Part IV of Chapter 400, F.S.;
11. Homes for Special Services as provided under Part V of Chapter 400, F.S.;
12. Transitional Living Facilities, as provided under Part V of Chapter 400, F.S.;
13. Prescribed Pediatric Extended Care Centers, as provided under Part VI of Chapter 400, F.S.;
14. Intermediate Care Facilities for the Developmentally Disabled, as provided under Part VIII of Chapter 400, F.S.;
15. Assisted Living Facilities, as provided under Part I of Chapter 429, F.S.;
16. Adult Family-Care Homes, as provided under Part II of Chapter 429, F.S.;
17. Adult Day Care Centers, as provided under Part III of Chapter 429, F.S.

(b) Requests to change the address of record must be received by the Agency 21 to 120 days in advance of the requested effective date for the following provider types:

1. Drug Free Workplace Laboratories as provided under Section 112.0455 and Section 440.102, F.S.;
2. Mobile Surgical Facilities, as provided under Part I of Chapter 395, F.S.;
3. Health Care Risk Managers, as provided under Part I of Chapter 395, F.S.;
4. Home Health Agencies, as provided under Part III of Chapter 400, F.S.;
5. Nurse Registries, as provided under Part III of Chapter 400, F.S.;
6. Companion Services or Homemaker Services Providers, as provided under Part III of Chapter 400, F.S.;
7. Home Medical Equipment Providers, as provided under Part VII of Chapter 400, F.S.;

8. Health Care Services Pools, as provided under Part IX of Chapter 400, F.S.;

9. Health Care Clinics, as provided under Part X of Chapter 400, F.S., including certificate of exemption;

10. Clinical Laboratories, as provided under Part I of Chapter 483, F.S.;

11. Multiphasic Health Testing Centers, as provided under Part II of Chapter 483, F.S.;

12. Organ and Tissue Procurement Agencies, as provided under Chapter 381, F.S.

(c) All other requests to amend a license including but not limited to services, licensed capacity, and other specifications which are required to be displayed on the license by authorizing statutes or applicable rules must be received by the Agency 60 to 120 days in advance of the requested effective date. This deadline does not apply to a request to amend hospital emergency services defined in Section 395.1041(2), F.S.

(3) Failure to submit a timely request shall result in a \$500 fine.

(4) A licensee is not authorized to operate in a new location until a license is obtained which specifies the new location. Failure to amend a license prior to a change of the address of record constitutes unlicensed activity.

(5) The licensee shall return the license certificate to the Agency upon the rendition of a final order revoking, cancelling or denying a license, or upon the voluntary discontinuance of operation.

Rulemaking Authority 408.819 FS. Law Implemented 408.804 FS. History—New _____.

59A-35.050 Fees Required; Adjustments.

(1) Licensure fees, as defined by authorizing statute or rule, are non-refundable once submitted to the Agency. An applicant may submit a request for refund if monies in excess of required fees are submitted to the Agency. Such requests must be made using State of Florida Department of Financial Services, Application for Refund form number DFS-AA-4, Rev. 0207, incorporated herein by reference, available online at: http://myfloridacfo.com/aadir/refund_application.htm and submitted to the appropriate licensing unit. The following are examples of excess fee payments that are eligible for refund:

- (a) Fees in excess of the required fee amount;
- (b) A renewal reminder letter indicates an error in the required fee amount;
- (c) An inspection fee is submitted when no inspection fee is required;
- (d) An excess fee is submitted as an accredited provider when the licensee or applicant is not accredited; or
- (e) An application is returned due to early submission.

(2) When payment for licensure fees has been dishonored, the licensee has 10 days to remit to the Agency the licensure fee plus any applicable fees as provided by law in the form of a money order or cashier's check. In the event that the licensure fee is not paid, the license may be subject to revocation or suspension.

(3) A request for a replacement license must be accompanied by a \$25 fee.

(4) In addition to required application, per-bed, and inspection fees, a request to amend a license must be accompanied by a \$25 fee.

Rulemaking Authority 408.819 FS. Law Implemented 112.0455(17), 383.305(1), 390.14(3), 394.877, 395.044, 395.1097(3), 400.062(3), 400.471(5), 400.506(3), 400.605(2), 400.801(3), 400.805(2), 400.905(2), 400.931(5), 400.980(2), 400.9925(1), 429.07(4), 408.805 FS. History—New _____.

59A-35.060 Licensure Application Process.

(1) The applicant must apply for licensure using the program specific forms listed below and AHCA Form 3110-1024, Rev. October 1, 2009, "Health Care Licensing Application Addendum". All forms are incorporated by reference and available online at: ahca.myflorida.com/Publications/Forms/HQA.shtml.

(a) Drug Free Workplace Laboratories as provided under Section 112.0455 and Section 440.102, F.S.; AHCA Form 3170-5001, Rev July 2009.

(b) Birth Centers, as provided under Chapter 383, F.S.; AHCA Form 3130-3001, Rev. July 2009.

(c) Abortion Clinics, as provided under Chapter 390, F.S.; AHCA Form 3130-1000, Rev. July 2009.

(d) Crisis Stabilization Units, as provided under Parts I and IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.

(e) Short Term Residential Treatment Units, as provided under Parts I and IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.

(f) Residential Treatment Facilities, as provided under Part IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.

(g) Residential Treatment Centers for Children and Adolescents, as provided under Part IV of Chapter 394, F.S.; AHCA Form 3180-5004, Rev. July 2009.

(h) Hospitals, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-8003, Rev. July 2009.

(i) Ambulatory Surgical Centers, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-2001, Rev. July 2009.

(j) Mobile Surgical Facilities, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-2001, Rev. July 2009.

(k) Health Care Risk Managers, as provided under Part I of Chapter 395, F.S.; AHCA Form RM-001, Rev. July 2009.

(l) Nursing Homes, as provided under Part II of Chapter 400, F.S.; AHCA Form 3110-6001, Rev. July 2009.

(m) Home Health Agencies, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-1011, Rev. July 2009.

(n) Nurse Registries, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-7004, Rev July 2009.

(o) Companion Services or Homemaker Services, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-1003, Rev. July 2009.

(p) Hospices, as provided under Part IV of Chapter 400, F.S.; AHCA Form 3110-4001, Rev. July 2009.

(q) Home for Special Services as provided under Part V of Chapter 400, F.S.; AHCA Recommended Form, July 2009.

(r) Transitional Living Facilities, as provided under Part V of Chapter 400, F.S.; AHCA Form 3110-9001, Rev. July 2009.

(s) Prescribed Pediatric Extended Care Centers, as provided under Part VI of Chapter 400, F.S.; AHCA Form 3110-8002, Rev. July 2009.

(t) Home Medical Equipment Providers, as provided under Part VII of Chapter 400, F.S.; AHCA Form 3110-1005, Rev. July 2009.

(u) Intermediate Care Facilities for the Developmentally Disabled, as provided under Part VIII of Chapter 400, F.S.; AHCA Form 3110-5003, Rev. July 2009.

(v) Health Care Services Pools, as provided under Part IX of Chapter 400, F.S.; AHCA Form 3110-1010, Rev. July 2009.

(w) Health Care Clinics, as provided under Part X of Chapter 400, F.S.; AHCA Form 3110-0013, Rev. July 2009 or for exempted clinics, AHCA Form 3110-0014, Rev. July 2009.

(x) Assisted Living Facilities, as provided under Part I of Chapter 429, F.S.; AHCA Form 3110-1008, Rev. July 2009.

(y) Adult Family-Care Homes, as provided under Part II of Chapter 429, F.S.; AHCA Form 3180-1022, Rev. July 2009.

(z) Adult Day Care Centers, as provided under Part III of Chapter 429, F.S.; AHCA Form 3180-1004, Rev. July 2009.

(aa) Clinical Laboratories, as provided under Part I of Chapter 483, F.S.; AHCA Form 3170-2004 (renewal), B (initial) or C (change of ownership), Rev. July 2009 or AHCA Form 3170-2004D (addition of specialty or subspecialty).

(bb) Multiphasic Health Testing Centers, as provided under Part II of Chapter 483, F.S.; AHCA Form 3170-4001, Rev. July 2009.

(cc) Organ and Tissue Procurement Agencies, as provided under Chapter 381, F.S.; AHCA Form 3140-2001, July 2009.

(2) The licensure fee must be included with any application. Applications will be returned to the applicant unprocessed if the fee does not accompany the application. Applications from state agencies must include a copy of the posted journal transactions by State Wide Document Number (SWDN) within benefiting Operating Level Organization (OLO) and site.

(3) Applications received more than 120 days prior to the date of license expiration or the effective date will be returned to the applicant unprocessed.

(4) If an applicant, licensee, or controlling interest is required to register or file with the Florida Secretary of State Division of Corporations, the principal, fictitious name and mailing addresses submitted with the licensure application for the applicant, licensee and controlling interests must be the same as the information registered with the Division of Corporations.

(5) Unresponsive applicant. If certified mail sent to the provider's address of record, or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider's address of record, or mailing address if applicable, with a copy to the applicant's address if different from the provider. The applicant must respond to the request within 14 days of the date of the letter sent by regular mail. If timely response is not received, the application will be subject to withdrawal or denial.

(6) An application is considered complete upon receipt of:

(a) All required documents and information and appropriate fee,

(b) All required background screening results, and

(c) Completion of a satisfactory inspection if required by authorizing statutes or rules. Satisfactory inspection means no regulatory violations exist, or all prior violations found have been determined by the Agency to be corrected.

(7) A licensure inspection will not be authorized until paragraphs (5)(a) and (5)(b) of this section have been satisfied.

(8) An application for license renewal may only be filed by the licensee.

Rulemaking Authority 408.819 FS. Law Implemented 408.806 FS. History--New _____.

59A-35.062 Proof of Financial Ability to Operate.

(1) Proof of financial ability to operate must be demonstrated for initial licensure and change of ownership applications, by submitting AHCA Form 3100-0009, July 2009, Proof of Financial Ability to Operate, incorporated herein by reference, and available online at: ahca.myflorida.com/Publications/Forms/HQA.shtml, as provided under Section 408.810(8), F.S., for the following provider types:

(a) Nursing Home Facilities, as specified in Part II, Chapter 400, F.S.;

(b) Assisted Living Facilities, as specified in Part I, Chapter 429, F.S.;

(c) Home Health Agencies, as specified in Part III, Chapter 400, F.S.;

(d) Hospices, as specified in Part IV, Chapter 400, F.S.;

(e) Adult Day Care Centers, as specified in Part III, Chapter 429, F.S.;

(f) Prescribed Pediatric Extended Care Centers, as specified in Part VI, Chapter 400, F.S.;

(g) Home Medical Equipment Providers, as specified in Part VII, Chapter 400, F.S.;

(h) Intermediate Care Facilities for the Developmentally Disabled, as specified in Part VIII, Chapter 400, F.S.;

(i) Health Care Clinics, as specified in Part X, Chapter 400, F.S.; and

(2) Proof of financial ability must be demonstrated for initial licensure and change of ownership applications for Nurse Registries, as specified in Part III, Chapter 400, F.S., by submitting AHCA Form 3110-7004A, September 2009, Nurse Registry Proof of Financial Ability to Operate, incorporated herein by reference, and available online at: ahca.myflorida.com/Publications/Forms/HQA.shtml.

(3) Definitions. The following definitions apply to this section for proof of financial ability to operate.

(a) "Assumptions" means the basis and rationale used in the financial projections to estimate the number and type of patients, the method of acquiring patients, the amount of resources needed to serve patients, the method by which these resources will be acquired, the method of recruiting and maintaining staff, the method of collecting revenue and paying expenses, and the basis for anticipated salaries and employee benefits.

(b) "Charity care" means the term as defined in Section 409.911, F.S.

(c) "Contingency funding" means a source of funding available to the licensee or applicant to cover the cost of events not considered in the financial projections, including, but not limited to, a drop in patient volume, a delay in Medicare and/or Medicaid certification, major repairs, purchase of capital equipment. The contingency fund will be a minimum of one month's average operating expense over the first year of operations.

(d) "Contractual adjustments" means the difference in the established charges or rates of the provider and the rates negotiated by Medicare, Medicaid, HMO/PPOs, and Insurers.

(e) "Financial instability" means the provider cannot meet its financial obligations. Evidence such as the issuance of bad checks, an accumulation of delinquent bills, or inability to meet current payroll needs shall constitute prima facie evidence that the ownership of the provider lacks the financial ability to operate. Evidence shall also include the Medicare or Medicaid program's indications or determination of financial instability or fraudulent handling of government funds by the provider.

(f) "Financial projections" means the expected operating results of the applicant as presented on AHCA Form 3100-0009, July 2009.

(g) "Full time equivalent" or "FTE" means a measure of full-time employment of 40 hours per week (1FTE = 40 hours per week or 2,080 hours annually).

(h) “Generally Accepted Accounting Principles” or “GAAP” means the term as defined in Rule 61H1-20.007, F.A.C., Department of Business and Professional Regulation, Board of Accountancy.

(i) “Liquid assets” means assets of the licensee or applicant that can easily and quickly be converted to cash such as publicly traded stocks, bonds, certificates of deposit, and money market accounts.

(j) “Net patient service revenue” means patient service revenue minus deductions from revenue. Deductions from revenue include contractual adjustments and charity care.

(k) “Operating expense” means total expenses incurred through the normal course of business.

(l) “Operating margin” means a measure of profitability and is calculated as follows: $(\text{Net Patient Service Revenue} - \text{Operating Expenses}) \div \text{Net Patient Service Revenue} = \text{Operating Margin}$.

(m) “Patient service revenue” means the total charge for a service provided.

(n) “Pre-opening costs” means the costs necessary to begin operations including advertising, equipment purchases, legal fees, accounting fees, consulting fees, pre-paid insurance, pre-paid rent, licensure fees, deposits (rent, utilities), requirement, staffing, and training.

(o) “Working capital” means the cash needed to sustain operations until a positive cash flow is achieved. (Largest cumulative cash need from Schedule 7 Line 21 of AHCA Form 3100-0009, July 2009).

(4) All documents required under this section must be prepared in accordance with generally accepted accounting principles and must be compiled and signed by a certified public accountant.

(5) A pro forma balance sheet, a pro forma cash flow statement and a pro forma income and expense statement for the first 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses must be included. An application for change of ownership may elect not to complete the 2nd year of operations on AHCA Form 3100-0009, July 2009, if all of the following apply:

(a) As of the date of the application, the entity subject to the change of ownership has been licensed for at least 5 consecutive years;

(b) The applicant’s assets, credit, and projected revenues meet or exceed projected liabilities and expenses by the end of the first year;

(c) The largest cumulative cash need on Schedule 7, Line 21 on AHCA Form 3100-0009, July 2009 occurs prior to month 12.

(6) The applicant shall have demonstrated financial ability to operate if the applicant’s assets, credit, and projected revenues meet or exceed projected liabilities and expenses.

(7) An applicant for renewal of a license shall not be required to provide proof of financial ability to operate, unless the licensee or applicant has demonstrated financial instability. If an applicant or licensee has shown signs of financial instability at any time, the Agency may require the applicant or licensee to provide proof of financial ability to operate by submission of:

(a) AHCA Form 3100-0009, July 2009, Proof of Financial Ability Form, that includes a balance sheet and income and expense statement for the next 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses, and

(b) Documentation of correction of the financial instability, including but not limited to, evidence of the payment of any bad checks, delinquent bills or liens. If complete payment cannot be made, evidence must be submitted of partial payment along with a plan for payment of any liens or delinquent bills. If the lien is with a government agency or repayment is ordered by a federal or state court, an accepted plan of repayment must be provided.

Rulemaking Authority 408.819 FS. Law Implemented 408.806, 408.810 FS. History–New _____.

59A-35.064 Initial Application.

A license will not be issued to an applicant that has had a license revoked by the Agency in the five years prior to the date of the application.

Rulemaking Authority 408.819 FS. Law Implemented 408.815 FS. History–New _____.

59A-35.065 License Renewal.

(1) An application for licensure renewal must be submitted to the Agency at least 60 but no more than 120 days prior to the date of expiration of the license. It is the responsibility of the licensee to submit an application within the specified timeframe regardless of whether the licensee actually receives the reminder notification by the Agency of the impending expiration of the license.

(2) If an application for renewal is received after a license has expired, the renewal application will be rejected and returned to the applicant. Continuation of operation after a license expires constitutes unlicensed activity as specified in Section 408.812(2), F.S., unless otherwise permitted by law. In order to resume operation, an initial application must be submitted and a new license issued.

Rulemaking Authority 408.819 FS. Law Implemented 408.806, 408.812 FS. History–New _____.

59A-35.070 Change of Ownership.

(1) Effective dates of change of ownership.

(a) A change of ownership application must include the effective date of the change of ownership.

(b) The change of ownership effective date cannot be prior to the date the application is received by the Agency. Failure to submit an application for licensure prior to the effective date of a change of ownership to a different legal entity constitutes unlicensed activity.

(c) The effective date of the change of ownership shall not be extended more than 60 days from the effective date reported on the application; written notification of a change in the effective date must be received by the Agency prior to the originally reported effective date. The Agency will deem the application withdrawn if the change of ownership does not occur within 60 days of the reported effective date.

(2) All required application documents and information must be received with the application or within 21 days of the request by the Agency with the exception of the transferee's proof of right to occupy if required, which must be received by the Agency within 10 days after the effective date.

(3) If fines are not specified in authorizing statutes for the provider type as specified in Section 408.803(3), F.S., the failure to submit a change of ownership application and license fee at least 60 days prior to the change of ownership effective date will result in a \$50 per day late fee charged to the licensee up to a maximum of \$3,000.

(4) When a change of ownership application is submitted during the review of a renewal licensure application, the pending renewal will be administratively withdrawn from review if the change of ownership application is approved with an effective date prior to the expiration of the license.

(5) Expiration of a license prior to the approval of the change of ownership application, when no renewal application has been submitted, will result in the denial of a change of ownership application.

(6) If the applicant has not been issued the license on the effective date of the change of ownership, documentation must be submitted that provides for continuation of operation of the licensee for those days between the date of the change of ownership and the date the applicant is licensed by the Agency.

Rulemaking Authority 408.819 FS. Law Implemented 408.803(3), 408.803(5), 408.806, 408.807, 408.810, 408.813 FS. History—New _____.

59A-35.080 License Categories.

(1) Provisional License. If a license expires while an action to deny or revoke the license is pending, or while an action to withdraw a renewal application from further consideration is pending, and renewal applications are filed, the Agency may issue a provisional license for no more than two years. The provisional license shall identify the pending action. The provisional license will expire when the Agency action is final. The provisional license does not affect the revocation or denial action or constitute a defense on behalf of the licensee or applicant.

(2) Inactive License. An inactive license may be issued, as provided in Sections 408.808(3) and 408.831(4), F.S.

(a) Requests for an inactive license must be submitted to the Agency as a written request that includes:

1. The reason that the provider will become inactive,
2. The proposed plan for transferring or discharging clients,
3. A plan for resuming services,
4. The date by which services are expected to resume, and
5. Evidence of a State of Emergency or disaster if applicable.

(b) The inactive license will not be issued until all clients have been properly transferred or discharged. The expiration date of the inactive license will be issued for a period not to exceed 12 months. An application to extend the inactive period for an additional 12 months must be submitted 30 days prior to the expiration of the inactive license.

(c) Notification to reactivate the license and a complete licensure renewal application must be submitted to the Agency at least 90 days prior to the requested reactivation date. An onsite inspection may be required prior to reactivation. Licensure fees will be prorated based on the provider's standard fee divided by the number of months remaining in the licensure cycle.

Rulemaking Authority 408.819 FS. Law Implemented 408.808(2), (3), 408.831(4) FS. History—New _____.

59A-35.090 Background Screening.

(1) Definitions:

(a) "Arrest Report" means the detailed narrative written by the arresting law enforcement officer explaining the circumstances of the arrest.

(b) "Disposition" means the sentencing or other final settlement of a criminal case which shall include, regardless of adjudication, a plea of nolo contendere or guilty, or a conviction by a judge or jury.

(c) "Disqualifying Offense" means any criminal offense prohibited in Section 435.03 or 435.04, F.S.

(d) "Exemption from Disqualification" means an exemption granted by the Agency following a review of the Application for Exemption, AHCA Form 3010-0019, October 2009, hereby incorporated by reference, and an informal hearing, if appropriate, during which the individual must present clear and convincing evidence to support a reasonable belief that he or she has been rehabilitated and does not present a danger to the health, safety, and welfare of the patient or individual as described in Section 435.07, F.S.

(e) "FBI" means the Federal Bureau of Investigation.

(f) "FDLE" means the Florida Department of Law Enforcement.

(g) "Level 1 Screening" means an assessment of the criminal history record obtained from the FDLE to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.03, F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(h) "Level 2 Screening" means an assessment of the criminal history record obtained through a fingerprint search through the FDLE and FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.04, F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(2) Processing Screening Requests, Required Documents and Fees.

(a) A provider may conduct Level 1 background screening for employees either directly through the FDLE or through the Agency. Requests through the Agency must be submitted using the Agency's background screening website at: ahca.myflorida.com/MCHO/Long Term Care/Background Screening/logon.shtml. A user code and password is required for use of this site. A request for a Level 1 screening through the Agency must be accompanied by the cost required by the FDLE to pay for the cost of processing the request.

(b) Persons required to undergo Level 2 background screening must submit an Applicant Fingerprint Card, incorporated herein by reference, and available from the appropriate Agency licensure unit or by submitting a request to: bgscreen@ahca.myflorida.com. A health care provider licensed pursuant to this chapter may submit a Level 2 request and make payment electronically or by mail. A request for a Level 2 screening through the Agency must be accompanied by the cost required by the FDLE and the FBI to pay for the cost of processing the request.

1. Electronic submissions must be made through the Agency's background screening web site. The completed fingerprint card must be mailed to the Background Screening Unit at 2727 Mahan Drive, MS 40, Tallahassee, Florida 32308.

2. Mailed requests must be submitted to the Background Screening Unit at 2727 Mahan Drive, MS 40, Tallahassee, Florida 32308.

3. If a fingerprint card is rejected by the FBI due to illegible prints, the individual must submit a second fingerprint card in accordance with the guidelines established by the FBI. The second card must be submitted to the Agency within 21 days of the Agency's request or the screening request will be considered withdrawn. If withdrawn, the individual must submit a new fingerprint card accompanied by the required fee.

(3) Screening of Administrators, Owners, Chief Financial Officers and Controlling Interests.

(a) Persons required to undergo Level 2 background screening in accordance with a licensure application, must submit the completed and signed fingerprint card and screening fee with an application for licensure to the appropriate Agency licensing unit.

(b) As an alternative to a new background screen, persons required to undergo Level 2 background screening in accordance with Section 408.809, F.S., that have been screened within the previous 5 years by the Agency, Department of Health, Department of Children and Family Services, Agency for Persons with Disabilities or Department of Financial Services, or if the applicant has a certificate of authority to operate a continuing care retirement community, may submit to the appropriate Agency licensing unit:

1. A copy of the background screening result, and

2. An Affidavit of Compliance with Background Screening Requirements, AHCA Form 3100-0008, October 2009, herein incorporated by reference, and available from the Agency for Health Care Administration at: ahca.myflorida.com/Publications/Forms/HQA.shtml.

(4) Results of Screening and Notification.

(a) Results of background screening requests will be provided through the Agency's secure web site.

(b) When the dispositional information of a potentially disqualifying offense is unclear or not present in a Level 1 criminal history, a notice will be sent to the requesting licensee or entity to obtain the arrest report and dispositional information from the individual being screened. The information must then be forwarded to the Agency for a final determination or show such information cannot be obtained. If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the arrest report and dispositional information. If the letter is returned unclaimed, a copy of the letter will be sent regular mail. For Level 1 and Level 2, the missing information must be filed with the Agency within 30 days of the Agency's request, or the individual is subject to automatic disqualification in accordance with Section 435.05(1)(d), F.S.

(c) When the Agency or the provider obtains information indicating an individual has a disqualifying offense pursuant to Chapter 435, F.S., the individual is prohibited from working in a position that requires background screening until such time as the individual has applied for and been determined to be exempt from such disqualification.

(d) An alleged offense is not disqualifying until such time as there has been a disposition.

(5) Exemption from Disqualification.

(a) Requests for an exemption from disqualification shall be submitted in writing to the Agency using the "Application for Exemption from Disqualification" AHCA Form 3010-0019, October 2009. This form may be obtained from the Agency for Health Care Administration, Background Screening Unit, 2727 Mahan Drive, MS #40, Tallahassee.

Florida 32308 or through the Agency’s website at: ahca.myflorida.com/MCHQ/Long Term Care/Background Screening/exemption.shtml.

(b) Individuals that are licensed or certified in a profession under the jurisdiction of the Department of Health must apply for an exemption to the appropriate licensing or certifying board at the Department of Health unless the individual will be working in a position other than for which they are licensed or certified.

(c) The individual shall bear the burden of setting forth clear and convincing evidence of rehabilitation which includes any information indicating the individual presents no danger to the safety or well being of others. The individual must present such evidence as arrest reports, court dispositions, parole/probation information, letters from employers, and personal references. Other documents that may be included are records of successful participation in a rehabilitation program, further education or training, community or church involvement, special awards or recognition or testimony by self or others.

(d) An “Application for Exemption” will not be reviewed until all required documents are obtained. If the application is deemed incomplete after 30 days of receipt by the Agency, the application will be withdrawn.

(e) In deciding whether to grant or deny an exemption request, the Agency shall consider factors such as the facts and circumstances surrounding the disqualifying offense(s), the nature of the harm to the victim, whether the individual is on probation or parole, whether restitution has been made, the length of time since the last offense, the history of the person since the disqualifying offense(s), work experience, personal references, performance evaluations, probation or parole violations, education, other evidence of rehabilitation, and the honesty and candor of the disqualified individual.

(f) Any exemption granted by the Agency is limited to the disqualifying offense or offenses committed prior to the date of the request for exemption.

(g) The Agency shall void any exemption granted to an individual when there is evidence that information which would adversely affect the decision was not made available at the time of the determination or there is a disposition of a new disqualifying offense since the date the exemption was granted.

(6) Unless otherwise specified, information requested pursuant to this section must be filed with the Agency within 21 days of the Agency’s request.

Rulemaking Authority 408.819 FS. Law Implemented 394.4572, 400.215, 400.512, 400.6065, 400.935, 400.964, 400.980, 400.991, 408.809, 408.810, 429.174, 429.67, 429.919 FS. History–New _____.

59A-35.100 Minimum Licensure Requirements.

(1) Provider location.

(a) A licensee must maintain proper authority for operation of the provider at the address of record. If such authority is denied, revoked or otherwise terminated by the local zoning or code enforcement authority, the Agency may deny or revoke an application or license, or impose sanctions.

(b) With the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal.

(2) Discontinuance of operation: unresponsive licensee. If certified mail sent to the provider’s address of record or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider’s address of record or mailing address if applicable, with a copy to the licensee’s address if different from the provider. The licensee must respond to the request within 14 days. If timely response is not received, the provider will be determined to have discontinued operation and the license shall be subject to revocation.

(3) If a licensee that is required to register or file with the Florida Secretary of State Division of Corporations is administratively dissolved, the licensee is presumed to have discontinued operation and shall be subject to revocation.

Rulemaking Authority 408.819 FS. Law Implemented 408.810 FS. History–New _____.

59A-35.110 Reporting Requirements: Electronic Submission.

(1) During the two year licensure period, any change or expiration of any information that is required to be reported under Chapter 408, Part II or authorizing statutes for the provider type as specified in Section 408.803(3), F.S., during the license application process must be reported to the Agency within 21 days of occurrence of the change, including:

(a) Insurance coverage renewal.

(b) Bond renewal.

(c) Change of administrator or the similarly titled person who is responsible for the day-to-day operation of the provider.

(d) Annual sanitation inspections.

(e) Fire inspections.

(f) Approval of revisions to emergency management plans.

(2) Electronic submission of information.

(a) The following required information must be reported through the Agency’s Internet site at ahca.myflorida.com/reporting/index.shtml:

1. Nursing homes:

a. Semi-annual staffing ratios required pursuant to Section 400.141(15), F.S., and Rule 59A-4.103, F.A.C.

b. Adverse incident reports required pursuant to Sections 400.147(7) and (8), F.S., and Rule 59A-4.123, F.A.C.

c. Liability claim reports required pursuant to Section 400.147(9), F.S., and Rule 59A-4.123, F.A.C.

2. Assisted living facilities:

a. Adverse incident reports required pursuant to Sections 429.23(3) and (4), F.S., and Rule 58A-5.0241, F.A.C.

b. Liability claim reports required pursuant to Section 429.23(5), F.S., and Rule 58A-5.0242, F.A.C.

(b) The licensee must retain the receipt issued from the Internet site indicating that their transaction was accepted.

(c) If the Agency's Internet site is temporarily out of service, the required reports may be submitted by mail or facsimile as follows:

1. Semi-annual staffing ratios and liability claim reports are sent to the Agency for Health Care Administration, Central Systems Management Unit, 2727 Mahan Drive, MS 47, Tallahassee, FL 32308 or facsimile to (850)487-0470.

2. Adverse incident reports are sent to the Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive, MS 16, Tallahassee, FL 32308 or facsimile to (850)922-2217.

Rulemaking Authority 408.806(8), 408.819 FS. Law Implemented 408.806, 408.810 FS. History-New _____.

59A-35.120 Inspections.

(1) When regulatory violations are identified by the Agency:

(a) Deficiencies must be corrected within 30 days of the date the Agency sends the deficiency notice to the provider, unless an alternative timeframe is required or approved by the Agency.

(b) The Agency may conduct an unannounced follow-up inspection or off-site review to verify correction of deficiencies at any time.

(2) If an inspection is completed through off-site record review, any records requested by the Agency in conjunction with the review, must be received within 7 days of request and provided at no cost to the Agency. Each licensee shall maintain the records including medical and treatment records of a client and provide access to the Agency.

(3) Providers that are exempt from Agency inspections due to accreditation oversight as prescribed in authorizing statutes must provide:

(a) Documentation from the accrediting agency including the name of the accrediting agency, the beginning and expiration dates of the provider's accreditation, accreditation status and type must be submitted at the time of license application, or within 21 days of accreditation.

(b) Documentation of each accreditation inspection including the accreditation organization's report of findings, the provider's response and the final determination must be submitted within 21 days of final determination or the provider is no longer exempt from Agency inspection.

Rulemaking Authority 408.819 FS. Law Implemented 408.811 FS. History-New _____.

59A-35.140 Administrative Fines.

Fines may be assessed for any violation of Chapter 408, Part II or this rule. Unless otherwise specified in Chapter 408, Part II, authorizing statutes or applicable rules for the provider type as specified in Section 408.803(3), F.S., a \$500 fine may be imposed for each violation. Each day a violation occurs constitutes a separate violation and is subject to a separate fine, up to a maximum of \$5,000.

Rulemaking Authority 408.819 FS. Law Implemented 408.803(3), 408.813 FS. History-New _____.

59A-35.150 Moratorium; Emergency Suspension.

In addition to other remedies permitted by law, violation of a moratorium issued by the Agency is subject to a fine of \$500 per day until the violation is corrected.

Rulemaking Authority 408.819 FS. Law Implemented 408.813, 408.814 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Molly McKinstry, Bureau Chief, Long Term Care Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.045

RULE TITLE:
Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) in accordance with the 2009-10 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218 and Senate Bill 1658, Section 8, creating Section 409.9083, Florida Statutes.

1. Effective October 1, 2009, the Agency shall implement a recurring methodology for the privately operated intermediate care facilities for the developmentally disabled to achieve a \$17,373,303 reduction.

2. Effective October 1, 2009, the Agency may implement a buy back provision for privately operated intermediate care facilities for the developmentally disabled rate reductions.

3. Effective October 1, 2009, a quality assessment is to be imposed upon privately operated intermediate care facility providers for the developmentally disabled.

SUMMARY: Effective October 1, 2009, The Agency shall implement a rate reduction, a buy back provision, and a quality assessment on private ICF facilities.

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: December 16, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759, stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version VI, Effective Date October 1, 2009 ~~October 1, 2008~~, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History—New 3-14-99, Amended 10-12-04, 2-22-06, 4-12-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759, stephene@ahca.myflorida.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-4.010	Sanitation and Safety Requirements
61C-4.0161	Mobile Food Dispensing Vehicles and Theme Park Food Carts

PURPOSE AND EFFECT: The proposed rule reflects changes made to Chapter 509, F.S., by Laws of Florida Chapters 2008-055 and 2008-134. The proposed rule also provides a general update to ensure accurate and consistent requirements and terms throughout the rule and to improve readability under the plain language initiative.

SUMMARY: The proposed rule addresses changes to Chapter 509, F.S., resulting from Laws of Florida Chapters 2008-055 and 2008-134. The proposed rule also updates specific requirements in the rule for consistency, revises definitions, updates forms incorporated by reference, and provides a general update of the rule language to improve readability and ensure accurate and consistent terms throughout the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 509.032, 509.221 FS.

LAW IMPLEMENTED: 509.032, 509.035, 509.211, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – Except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(a) Public food service establishment operators may use DBPR Form HR 5022-090, TIME AS A PUBLIC HEALTH CONTROL WRITTEN PROCEDURES, incorporated herein by reference and effective 2009 October 15, as a guide for written procedures to apply time only, instead of time and temperature, as a public health control for potentially hazardous food, as provided in Section 3-501.19 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. DBPR Form HR 5022-090 is not required and the division will accept written procedures in another format as long as the written procedures contain all the necessary information. The written procedures must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the division upon request. In addition to the methods provided in the Food Code, between uses during service, dispensing utensils may be stored in hot water wells that maintain the temperature of the water at or above 140 degrees Fahrenheit and that are cleaned frequently at scheduled intervals throughout the day.

(b) In the event of an emergency occurrence such as a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately notify the division.

(c) Labeling – Public food service establishments which prepare and package food products for sale within the establishment must ensure that packaged food products are properly labeled. Package labels must contain the following information:

1. Identity and description of product;
2. Date product was packaged; and
3. Name and address of establishment which prepared and packaged product.

(d) Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., specifies that food service employees shall not contact ready-to-eat food with bare hands. Under the language “~~except~~” in Section 3-301.11(C)(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., food service employees may contact ready-to-eat foods with their bare hands ~~immediately prior to service~~ if the operator of the public food service establishment maintains a written alternative operating operational procedure which addresses all of the following components:

1. No change.

2. Identified employee positions whose duties may include handling of ready-to-eat foods with their bare hands must receive professional hygiene training in accordance with subsection 61C-4.023(6), F.A.C., prior to any food handling activity. Training shall be provided to all employees assigned to positions which include handling ready-to-eat foods, emphasizing the importance of proper hand washing for all employees with bare direct hand contact with ready-to-eat food. Evidence of this training (content, employees, dates) shall be available to the division upon request.

3. Food service employees who handle ready-to-eat foods with bare hands must thoroughly wash their hands before returning to their work stations and as needed during their work periods in accordance with the handwash requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Additionally, these food service employees shall use a chemical hand sanitizing solution which must comply with the specification provided in Section 2-301.16(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. The establishment must also fully comply with Sections 5-203.11(A) and 5-204.11 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., regarding the number and location of hand washing lavatories.

4. No change.

5. The public food service establishment’s written alternative operating procedure operational procedures must provide an effective way to monitor employees to verify compliance with the requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and the establishment’s written alternative operating procedure operational procedures. ~~The Additionally, the~~ written alternative operating procedure operational procedures must also describe the corrective actions the operator must take when the procedure is procedures are not followed. All food service employees, including the operator, manager, or any supervisory position, who handle ready-to-eat foods with bare hands must comply with all requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and the public food service establishment’s written alternative operating operational procedures.

6. The division shall approve each public food service establishment’s written alternative operating procedure. Such approval may be obtained by completing DBPR Form HR 5022-049, ALTERNATIVE OPERATING PROCEDURE (AOP), incorporated herein by reference and effective 2009 October 15, which includes all information required in a written alternative operating procedure. DBPR Form HR 5022-049 is not required to obtain approval. The division will accept written procedures in another format as long as the written alternative operating procedure contains all the necessary information.

(e) A copy of the written alternative operating procedure ~~operational procedures~~ must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the regulatory authority upon request. The written alternative operating procedure ~~operational procedures~~ must be reviewed by the operator annually and modified as necessary. A verification of the annual review must be recorded as part of the written alternative operating procedure ~~procedures~~.

(f) If an employee of a public food service establishment is observed using bare hands to handle ready-to-eat foods and the establishment has failed to develop, maintain or make available a written alternative operating procedure; ~~set of operational procedures~~; or, comply with any rule requirement relative to the use of bare hands, personal health, or professional hygiene, the division shall cite the establishment for noncompliance. Noncompliance on a second inspection within two years of the first infraction shall result in enforcement action in accordance with Section 509.261, F.S. A subsequent finding of noncompliance relative to the use of bare hands, personal health, or professional hygiene will result in enforcement action in accordance with Section 509.261, F.S., and the division will enforce no bare hand contact in accordance with ~~enforcement of~~ Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., until the establishment operator verifies completion of corrective action, including remedial training of all food preparation employees.

(g) No change.

(2) Examination and Condemnation of Food – ~~Food food~~ may be examined by division personnel as often as necessary to determine freedom from unwholesomeness, adulteration or misbranding in accordance with the provisions of Section 509.032(4), F.S.

(3) No change.

(4) Procedure When Infection Is Suspected – When the division has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, the division shall immediately consult with the state health officer or designee to provide epidemiological assistance or make other such investigation as may be indicated and take appropriate action in accordance with Part 2-2 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and these rules.

(5) through (6) No change.

(7) Bathroom Facilities – All bathroom facilities ~~bathrooms~~ shall provide ~~be of~~ easy and convenient access to both customers patrons and employees, and shall be located on the same floor of the premises served. ~~For the purpose of this rule, the same floor includes any intermediate levels between the floor and ceiling of any room or space not to exceed a vertical height of 8 feet.~~ Public food service establishments whose occupancy is incidental to another occupancy may use ~~utilize~~ public bathroom facilities ~~restrooms~~ provided on the

same floor. The travel distance may vary ~~if~~ where adequate directional signs are provided and the number of fixtures are deemed satisfactory by the applicable local building plumbing authority. Easily cleanable receptacles shall be provided for waste materials and such receptacles in bathroom facilities ~~bathrooms~~ for women shall be covered. Each public food service establishment shall maintain a minimum of one public bathroom facility available for public use ~~for each sex, properly designated~~, except as provided herein:

(a) Mobile food dispensing vehicles, theme park food carts, vending machines, and public food service establishments or food vendors participating in temporary food service events shall not be required to provide ~~have any~~ bathroom facilities ~~bathrooms~~.

~~(b) Places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public.~~

~~(c)(e) Public food service establishments located within arcades Arcades, malls, or flea markets containing public food service establishments which offer no seating within the public food service establishment may use~~ have centrally located bathroom facilities accessible to the customers and employees of the public food service establishments, ~~patrons of the establishments in the arcade, mall, or flea market provided~~ Such centrally located ~~such~~ bathroom facilities must be available for use during all hours of operation; located on the same floor as the public food service establishment; and must be accessible without entering another business ~~are within 300 feet of each establishment.~~

~~(c)(d) Public food service establishments located within theme parks and entertainment complexes may utilize centrally located bathroom facilities accessible to~~ the customers and employees of the public food service establishments ~~patrons of the establishments in the theme park or entertainment complex provided~~ such bathroom facilities are reasonably accessible. For purposes of this section, reasonably accessible means within 300 feet of each establishment.

~~(e) Public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public.~~

~~(d)(f) Public food service establishments located within a public lodging establishment shall be permitted to utilize public~~ bathroom facilities ~~bathrooms~~ located within the public lodging establishment provided such bathroom facilities ~~bathrooms~~ are available for use by the customers and employees patrons of the public food service establishment during all hours of operation, ~~are within 300 feet of the public food service establishment, and are located on the same floor as the public food service establishment.~~ For purposes of this rule, the same floor includes any intermediate levels between the floor and ceiling of any room or space without restriction as to vertical height.

(8) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850)487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Rulemaking Specific Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.035, 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00, 2-27-05, 8-12-08.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) No change.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) ~~Food serving~~ Servicing openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served.

(b) through (c) No change.

(d) When a service area is provided at the commissary for cleaning and servicing mobile food units, the service area shall be physically separated from other food operations; shall be equipped to furnish potable water in accordance with applicable provisions of Chapters 62-550 and 62-555, F.A.C.; and shall provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of Chapter 64E-6 or 62-601, F.A.C., and the local building plumbing authority having jurisdiction. The surface of the servicing area shall be constructed of a smooth nonabsorbent material such as concrete or machine laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

(e) The owner of each mobile food dispensing vehicle shall notify the division of each commissary they intend to utilize for support services before using the commissary by submitting DBPR HR-7022, COMMISSARY NOTIFICATION.

(3) No change.

(4) Mobile food dispensing vehicles which fail to provide water and waste systems or which otherwise fail to meet all applicable requirements of this chapter shall not engage in food preparation except as permitted in subsection (3) of this rule. Such mobile food units shall handle only completely wrapped or packaged food which has been manufactured, processed, prepared, and packaged in individual servings at an approved public food service establishment or ~~prepackaged in~~ a food processing plant and transported and stored in accordance with the provisions of this chapter. Bulk; provided, that bulk beverages from approved sources may be dispensed from covered urns or other protected containers.

(5) Mobile food dispensing vehicles may temporarily connect to an approved utility system for ~~no more than a time period not to exceed~~ one day's operation, if provided the utility system provides water, wastewater, or electricity ~~is~~ adequate to meet the needs of the unit; ~~bathroom, sanitary~~ facilities are ~~made~~ available for employees and patrons in accordance with the local building plumbing authority having jurisdiction or, where no plumbing code has been adopted locally, with Chapter 64E-10, F.A.C.; and the unit returns to its base commissary ~~at least on a daily basis~~ as described in paragraph (2)(c) of this rule.

(6) A mobile food dispensing vehicle which ~~is self sufficient as defined in subsection (2)(e) of this rule and which~~ conducts business within a theme park or entertainment complex may be stationary; ~~and~~ may connect to an approved utility system; and shall be exempt from the further requirements of paragraph (2)(c) and subsection (5) of this rule.

(a) The mobile food dispensing vehicle shall designate a commissary within the theme park or entertainment complex. The designated, ~~which~~ commissary shall be equipped with a mobile cleaning unit that will travel from the commissary to the mobile food dispensing vehicle. The mobile cleaning unit will be based in a service area adjacent to the designated commissary as described in paragraph (2)(d) of this rule. The mobile cleaning unit shall be stocked with supplies to clean the interior and exterior of a mobile food dispensing vehicle. In addition, the mobile cleaning unit shall carry a supply of potable water sufficient to fill the mobile food dispensing vehicle's potable water tank, and shall be able to pump waste water from a mobile food dispensing vehicle into holding tanks on the mobile cleaning unit, if necessary. The mobile cleaning unit holding tanks shall be emptied in accordance with the provisions of paragraph (2)(d) of this rule.

(b) through (c) No change.

(7) If a theme park has a servicing area to support its theme park food carts which meets the sanitation and safety standards of this rule, deviations from the provisions of this rule are allowed for theme park food carts, provided there is full compliance with the following additional requirements:

(a) The preparation of potentially hazardous foods shall be prohibited; except that, frankfurters and hamburger patties, obtained from approved sources, which prior to service require no further preparation except cooking, may be served. Potentially hazardous food, which has been portioned for individual service at an approved fixed food service establishment, may be served from an enclosed theme park food cart as long as the food is protected from contamination by way of enclosures with self-closing doors, screens, air curtains, or other approved methods. Sandwich fillings may be individually portioned from protected containers. Condiments may be served individually packaged ~~prepackaged~~, from

approved dispensers, or by the operator as a part of food preparation. Theme park food carts shall operate adjacent to or within 300 feet of the support facility.

(b) through (e) No change.

(f) Each theme park food cart other than those offering only ~~prepackaged or~~ packaged foods shall provide employees ~~be provided~~ with adequate and, conveniently located, handwashing facilities ~~for employee use~~ equipped with running hot and cold water, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying device.

(g) An adequate supply of sanitized, covered, or wrapped spare preparation or serving utensils shall be maintained in the theme park food cart and used to replace any utensil that becomes contaminated. All multi-use preparation and serving utensils used in theme park food carts shall be washed and sanitized daily at the theme park's commissary or at an approved fixed food service establishment within the park.

(h) All storage cabinets must be of closed construction to prevent ~~preclude~~ the entrance of vermin.

~~(8) Fire extinguishing equipment and liquefied petroleum gas appliances, equipment, apparatus or containers shall be installed, approved, maintained, and used in accordance with the Florida Fire Prevention Code as approved by the local fire authority. All units equipped with heat producing appliances for food preparation or maintaining food temperatures shall be provided with at least one approved portable fire extinguisher having a minimum rating of at least 10BC.~~

~~(9) Required extinguishers shall be installed and easily accessible on each cart, and shall be located as remotely as possible from the fuel supply or power source of the cart, in accordance with Chapter 69A-3, F.A.C.~~

~~(10) Installation of liquefied petroleum gas appliances, equipment, apparatus or containers on theme park food carts is to be performed in accordance with the provisions of National Fire Protection Association, Standard #58, "Liquefied Petroleum Gas Code," 2004 Edition, herein adopted by reference. The following requirements must also be met:~~

~~(a) Gas appliances shall be installed in accordance with manufacturer's specifications.~~

~~(b) The gas supply shall be shut off at the tank when equipment is not in use.~~

~~(c) No unit utilizing LP gas shall park in a building during the operation of its vending business.~~

Rulemaking Specific Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.211, 509.215, 509.221 FS. History—New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.002
RULE TITLE: Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the Architecture Continuing Education Handbook and related forms.

SUMMARY: The updated Architecture Continuing Education handbook and related forms will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.002 Continuing Education Approval of Subjects and Providers.

The approval of continuing education courses and providerships is covered in-depth by the Board's publication "Architecture Continuing Education Handbook Instructions, Applications and General Information for Architecture Continuing Education Providers and Courses" ("the Handbook") (2009) (~~2007~~), which is hereby incorporated by reference, effective October 2009 ~~June, 2007~~, a copy of which may be obtained from the Board office. The Handbook contains three forms for use with the booklet. The applicant shall submit the applicable form, (DBPR AID 4003/Revised 10/09 ~~6/07~~), Architecture Continuing Education

Provider/Course Application, (DBPR AID 4003-Part A/Revised ~~10/09 6/07~~), Architecture Education Course Evaluation Summary Form, or (DBPR AID 4003-Part B/Revised ~~10/09 6/07~~), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective ~~October 2009 June, 2007~~, copies of which may be obtained from the Board office. The Board office is located at 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Rulemaking Specific Authority 455.2177(3), 455.2179, 481.215(4) FS. Law Implemented 481.215(4) FS. History--New 1-17-96, Amended 10-8-96, 1-11-00, 10-16-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0036
RULE TITLE: Application for Certification Review Procedure

PURPOSE AND EFFECT: The purpose of this rule is to set forth the procedure by which applications for certification are reviewed for approval or denial.

SUMMARY: The rule will set forth the procedure by which applications for certification are reviewed for approval or denial.

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

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

RULEMAKING AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.203, 455.213(2), 468.606, 468.609 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0036 Application for Certification Review Procedure.

(1) Applications which are determined to be complete will first be reviewed by the Department. If the application clearly demonstrates qualification for the certification sought, the Department shall preliminarily approve the application. A list of all applications preliminarily approved by the Department will be distributed to the Board on a monthly basis. Within ten (10) calendar days after distribution of the list of preliminarily approved applications, any Board member may request that any application on the list be submitted to the Board for review in accordance with this Rule. All applications on the preliminarily approved list not selected for review shall be approved by the Department.

(2) Applications will be referred to the Board if the Department determines that the applicant has not clearly demonstrated qualification for the certification sought. Applications referred to the Board will first be reviewed by the Application Review Committee. The Application Review Committee shall consist of a minimum of three (3) Board members who are licensed building code administrators, inspectors, or plans examiners, appointed by the Chair. The Chair, if otherwise qualified, may be a member of the Application Review Committee.

(3) The Application Review Committee shall review all applications for certification not otherwise approved and shall determine by majority vote whether to recommend approval or denial of each such application to the Board.

(4) The Application Review Committee's recommendations shall be provided to the Board, who shall then act on the Application Review Committee's recommendations at the next Board meeting. Any Board member may request that any application for certification be pulled for discussion and/or individual determination by the Board.

Rulemaking Authority 468.606 FS. Law Implemented 455.203, 468.606, 468.609 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NOS.:	RULE TITLES:
62B-34.010	Definitions
62B-34.060	Non-Habitable Major Structures and Associated Minor Structures or Activities
62B-34.070	Single Family Dwelling and Associated Minor Structures or Activities
62B-34.150	Lee County
62B-34.160	Collier County
62B-34.170	Sarasota County
62B-34.180	Manatee County
62B-34.190	Charlotte County
62B-34.200	Bay County
62B-34.210	Escambia County
62B-34.220	Franklin County
62B-34.230	Gulf County
62B-34.240	Brevard County
62B-34.250	Indian River County
62B-34.260	Martin County
62B-34.270	Palm Beach County

PURPOSE AND EFFECT: To amend Chapter 62B-34, F.A.C., that provides a streamlined permitting process in additional coastal counties for activities seaward of the Coastal Construction Control Line that do not cause measureable interference with the beach and dune system or with marine turtles and their nesting habitats.

SUMMARY: Revisions to definitions, prohibitions and limitations, turtle protections requirements, and native vegetations protection requirements. Addition of the legal description of the location of the General Permit Lines in Lee, Collier, Sarasota, Manatee, Charlotte, Bay, Escambia, Franklin, Gulf, Brevard, Indian River, Martin, and Palm Beach Counties.

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

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

RULEMAKING AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(5),(19),(22) FS.

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

DATE AND TIME: Thursday, December 17, 2009, 1:00 p.m.

PLACE: Bureau Training Room, 5050 West Tennessee Street, Building B, 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 48 hours before the workshop/meeting by contacting: Stephanie Gudeman, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7708, or by e-mail at: stephanie.gudeman@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephanie Gudeman, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7708, or by e-mail at: stephanie.gudeman@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I GENERAL PROVISIONS

62B-34.010 Definitions.

(1) through (8) No change.

(9) "Major Road" ~~are includes~~ paved roads designated as public evacuation routes, or meeting the definition of arterial or collector in the Department of Transportation's Florida Greenbook, which is incorporated by reference. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, MS 300, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; or at the following website: www.dep.state.fl.us/beaches ~~paved roads maintained by the state, county or local municipality.~~

(10) through (16) No change.

(17) "Vegetation Line" is the seaward most continuous line of native perennial grass or woody coastal grassland and coastal strand vegetation such as sea oats, *Uniola paniculata*, bitter panicum, *Panicum amarum*, saw palmetto, *Serenoa repens*, or sea grape, *Coccoloba uvifera* salt-tolerant vegetation. ~~If a vegetation line is not discernible on the property, then documented or existing vegetation lines in the area, ground elevations, and distance from the shoreline, shall be used to determine where a continuous line would have formed.~~

Rulemaking Specific Authority 161.053(21) FS. Law Implemented 161.052, 161.053(5), (19), (22) FS. History--New 3-27-03, Amended 11-21-05, _____.

PART II GENERAL PERMITS

62B-34.060 Non-Habitable Major Structures and Associated Minor Structures or Activities.

(1) No change.

(2)(a) through (2)(c)4. No change.

~~(d)(e)5.~~ No construction shall extend seaward of the General Permit Line or the first line of construction, except for elevated walkovers that provide access to the beach and that meet the design criteria contained in subsection 62B-34.050(19), F.A.C. If no General Permit Line has been established and no line of construction exists or can be determined, the proposed activity does not qualify for a General Permit.

~~(e)(e)6.~~ No construction shall extend seaward of the thirty-year erosion projection, except for elevated walkovers. The thirty-year erosion projection shall be made in accordance with the procedures stipulated in Rule 62B-33.024, F.A.C.

~~(f)(e)7.~~ No construction shall extend seaward of a point 25 feet landward of the existing armoring, except for elevated walkovers.

(3) No change.

Rulemaking Specific Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22), 161.054 FS. History—New 3-27-03, Amended 11-21-05.

62B-34.070 Single Family Dwelling and Associated Minor Structures or Activities.

(1) No change.

(2)(a) through (2)(c)4. No change.

~~(d)(e)5.~~ No construction shall extend seaward of the General Permit Line or the first line of construction, except for elevated walkovers that provide access to the beach and that meet the design criteria contained in subsection 62B-34.050(19), F.A.C. If no General Permit Line has been established and no line of construction exists or can be determined, the proposed activity does not qualify for a General Permit.

~~(e)(e)6.~~ No construction shall extend seaward of the 30-year erosion projection, except for elevated walkovers providing access to the beach. The 30-year erosion projection shall be made in accordance with the procedures stipulated in Rule 62B-33.024, F.A.C.

~~(f)(e)7.~~ No construction shall extend seaward of a point 25 feet landward of the existing armoring, except for elevated walkovers.

(3) No change.

(4)(a) No change.

(b) The following types of lighting are authorized under this General Permit. Any departure or deviation from these lighting requirements shall constitute a violation of this General Permit. All exterior lights shall be recessed or otherwise designed and located so as not to be visible from the beach. All exterior lights shall be lamped with long wavelength lamps greater than 580 nanometers such as red or amber LED and Turtle Safe Lighting coated, compact fluorescent lamps with a maximum output of 480 lumens each.

1. Lights at ingress/egress shall be wall mounted cylinder ~~Balcony, deck, and entranceway lights shall be canister~~ down-light fixtures or louvered wall lights that adhere to the following standards:

a. Cylinder ~~Canister~~ down-light fixtures shall be equipped with interior black baffles, shall be mounted at a maximum height of eight feet above the floor and shall be limited to the ground and first habitable floor levels ~~shall be equipped with black baffles or grates, shall have the light source recessed so that it is not visible from the beach, shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per egress.~~

b. Louvered wall lights shall be mounted 12 inches or less above the adjacent floor or deck, shall be equipped with downward directed louvers that completely hide the light source, ~~shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per egress.~~

2. Underhouse lights for unenclosed or partially enclosed parking and building access areas shall be limited to no more than one fixture per 100 square feet of parking or building access area and consist of either: canister fixtures, either mounted on piles or recessed into the ceiling. The fixtures shall be equipped with black baffles, shall have the light source recessed so that it is not visible from the beach, shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per 100 square feet of parking or building access area

a. Cylinder downlight fixtures equipped with interior black baffles, and mounted either with a wall mount on piles or walls or a surface mount to the ceiling, or

b. Recessed ceiling fixtures with black baffles and hex cell louvers.

3. Landscape Landscaping and pathway lights shall be low profile, full cut-off mushroom type fixtures, shall extend no more than 12 inches above the ground, ~~shall be used with 220 (or less) lumens output standard incandescent (or equivalent) bulbs or with 400 (or less) lumens output compact fluorescent (or equivalent) bulbs,~~ shall extend no farther seaward than the house, and shall be limited to one fixture per 8 feet of path length or 1 fixture per 100 square feet of ground area.

(c) through (e) No change.

(5)(a) through (5)(d) No change.

(e) Planting of invasive nuisance plants, such as listed in the Florida Exotic Pest Plant Council’s 2007 List of Invasive Plant Species (published Fall 2007), 2003 List of Invasive Species—Categories I and II (published May 20, 2003) shall not occur if the planting will result in removal or destruction of existing dune-stabilizing native vegetation or if the planting is to occur on or seaward of the dune system.

Rulemaking Specific Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22), 161.054 FS. History--New 3-27-03, Amended 11-21-05, _____.

PART III LEGAL DESCRIPTIONS OF GENERAL PERMIT LINE

62B-34.150 Lee County.

The legal description for the Lee County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded May 30, 1991 in "O.R. book 2224, Pages 10 through 1041" and in "Plat book 48, Pages 15 through 34" of the public records of Lee County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 12-81-A11-2 1988 AND RUN THENCE N 26 DEG. 03 MIN. 00 SEC. W A DISTANCE OF 753.90 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 03 DEG. 20 MIN. 58 SEC. E A DISTANCE OF 1289.28 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 85 DEG. 15 MIN. 20 SEC. W A DISTANCE OF 46.68 FEET TO A POINT, THENCE S 01 DEG. 51 MIN. 32 SEC. W A DISTANCE OF 230.87 FEET TO A POINT, THENCE S 07 DEG. 48 MIN. 09 SEC. E A DISTANCE OF 1869.62 FEET TO A POINT, THENCE S 09 DEG. 37 MIN. 17 SEC. E A DISTANCE OF 789.82 FEET TO A POINT, THENCE S 00 DEG. 43 MIN. 17 SEC. E A DISTANCE OF 1544.72 FEET TO A POINT, THENCE S 04 DEG. 13 MIN. 59 SEC. E A DISTANCE OF 446.38 FEET TO A POINT, THENCE S 00 DEG. 29 MIN. 02 SEC. E A DISTANCE OF 1371.57 FEET TO A POINT, THENCE S 33 DEG. 44 MIN. 23 SEC. E A DISTANCE OF 244.52 FEET TO A POINT, THENCE N 85 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 98.89 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1, (LEE COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 12-81-A49 AND RUN THENCE S 34 DEG. 10 MIN. 38 SEC. W A DISTANCE OF 657.57 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE

LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 87 DEG. 16 MIN. 30 SEC. W A DISTANCE OF 162.96 FEET TO A POINT, THENCE S 10 DEG. 49 MIN. 30 SEC. E A DISTANCE OF 928.30 FEET TO A POINT, THENCE S 10 DEG. 01 MIN. 02 SEC. E A DISTANCE OF 1025.12 FEET TO A POINT, THENCE S 12 DEG. 14 MIN. 05 SEC. E A DISTANCE OF 907.85 FEET TO A POINT, THENCE S 11 DEG. 14 MIN. 00 SEC. E A DISTANCE OF 1068.52 FEET TO A POINT, THENCE S 11 DEG. 52 MIN. 18 SEC. E A DISTANCE OF 916.62 FEET TO A POINT, THENCE S 10 DEG. 05 MIN. 06 SEC. E A DISTANCE OF 1074.96 FEET TO A POINT, THENCE S 10 DEG. 51 MIN. 58 SEC. E A DISTANCE OF 1294.71 FEET TO A POINT, THENCE S 88 DEG. 10 MIN. 24 SEC. E A DISTANCE OF 79.16 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2 (LEE COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 12-81-A63 AND RUN THENCE N 61 DEG. 08 MIN. 53 SEC. E A DISTANCE OF 785.67 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 57 DEG. 45 MIN. 24 SEC. E A DISTANCE OF 1118.89 FEET TO A POINT, THENCE S 49 DEG. 16 MIN. 19 SEC. E A DISTANCE OF 552.97 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 34 DEG. 52 MIN. 07 SEC. W A DISTANCE OF 202.00 FEET TO A POINT, THENCE S 59 DEG. 22 MIN. 19 SEC. E A DISTANCE OF 472.48 FEET TO A POINT, THENCE S 54 DEG. 55 MIN. 29 SEC. E A DISTANCE OF 1349.02 FEET TO A POINT, THENCE S 47 DEG. 31 MIN. 32 SEC. E A DISTANCE OF 1044.08 FEET TO A POINT, THENCE S 44 DEG. 18 MIN. 39 SEC. E A DISTANCE OF 961.19 FEET TO A POINT, THENCE S 43 DEG. 36 MIN. 54 SEC. E A DISTANCE OF 699.87 FEET TO A POINT, THENCE S 45 DEG. 00 MIN. 00 SEC. W A DISTANCE OF 15.00 FEET TO A POINT, THENCE S 43 DEG. 36 MIN. 54 SEC. E A DISTANCE OF 669.70 FEET TO A POINT, THENCE S 42 DEG. 42 MIN. 25 SEC. E A DISTANCE OF 428.11 FEET TO A POINT, THENCE N 40 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 15.12 FEET TO A POINT, THENCE S 42 DEG. 42 MIN. 25 SEC. E A DISTANCE OF 504.22 FEET TO A POINT, THENCE S 41 DEG. 11 MIN. 51 SEC. E A DISTANCE OF 1155.85 FEET TO A POINT, THENCE S 41 DEG. 41 MIN. 17 SEC. E A DISTANCE OF 1074.46 FEET TO A POINT, THENCE S 44 DEG. 49 MIN. 54 SEC. E A DISTANCE OF 920.56 FEET TO A POINT, THENCE S 47

DEG. 33 MIN. 48 SEC. E A DISTANCE OF 922.82 FEET TO A POINT, THENCE S 58 DEG. 43 MIN. 21 SEC. E A DISTANCE OF 997.04 FEET TO A POINT, THENCE S 62 DEG. 54 MIN. 06 SEC. E A DISTANCE OF 986.27 FEET TO A POINT, THENCE S 65 DEG. 32 MIN. 15 SEC. E A DISTANCE OF 883.15 FEET TO A POINT, THENCE S 64 DEG. 02 MIN. 27 SEC. E A DISTANCE OF 1176.98 FEET TO A POINT, THENCE S 65 DEG. 12 MIN. 05 SEC. E A DISTANCE OF 854.14 FEET TO A POINT, THENCE S 67 DEG. 03 MIN. 10 SEC. E A DISTANCE OF 1094.91 FEET TO A POINT, THENCE S 67 DEG. 16 MIN. 01 SEC. E A DISTANCE OF 938.93 FEET TO A POINT, THENCE S 68 DEG. 38 MIN. 28 SEC. E A DISTANCE OF 978.72 FEET TO A POINT, THENCE S 68 DEG. 32 MIN. 42 SEC. E A DISTANCE OF 1039.71 FEET TO A POINT, THENCE S 68 DEG. 13 MIN. 53 SEC. E A DISTANCE OF 1007.18 FEET TO A POINT, THENCE S 67 DEG. 19 MIN. 12 SEC. E A DISTANCE OF 898.43 FEET TO A POINT, THENCE S 71 DEG. 29 MIN. 59 SEC. E A DISTANCE OF 987.57 FEET TO A POINT, THENCE S 71 DEG. 59 MIN. 02 SEC. E A DISTANCE OF 1021.65 FEET TO A POINT, THENCE S 76 DEG. 16 MIN. 52 SEC. E A DISTANCE OF 1046.82 FEET TO A POINT, THENCE S 76 DEG. 55 MIN. 57 SEC. E A DISTANCE OF 1034.29 FEET TO A POINT, THENCE S 88 DEG. 19 MIN. 25 SEC. E A DISTANCE OF 967.57 FEET TO A POINT, THENCE S 88 DEG. 58 MIN. 11 SEC. E A DISTANCE OF 946.25 FEET TO A POINT, THENCE N 87 DEG. 41 MIN. 58 SEC. E A DISTANCE OF 1094.52 FEET TO A POINT, THENCE N 85 DEG. 29 MIN. 03 SEC. E A DISTANCE OF 836.29 FEET TO A POINT, THENCE N 77 DEG. 02 MIN. 45 SEC. E A DISTANCE OF 1128.01 FEET TO A POINT, THENCE N 71 DEG. 34 MIN. 15 SEC. E A DISTANCE OF 321.81 FEET TO A POINT, THENCE N 01 DEG. 53 MIN. 19 SEC. W A DISTANCE OF 178.04 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3 (LEE COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 12-83-A13 AND RUN THENCE N 81 DEG. 10 MIN. 28 SEC. W A DISTANCE OF 533.71 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 57 DEG. 49 MIN. 26 SEC. E A DISTANCE OF 955.01 FEET TO A POINT, THENCE N 67 DEG. 53 MIN. 25 SEC. E A DISTANCE OF 999.83 FEET TO A POINT, THENCE N 63 DEG. 40 MIN. 14 SEC. E A DISTANCE OF 754.81 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 26

DEG. 19 MIN. 46 SEC. E A DISTANCE OF 260.51 FEET TO A POINT, THENCE N 66 DEG. 22 MIN. 10 SEC. E A DISTANCE OF 189.94 FEET TO A POINT, THENCE N 67 DEG. 09 MIN. 16 SEC. E A DISTANCE OF 957.65 FEET TO A POINT, THENCE N 65 DEG. 27 MIN. 08 SEC. E A DISTANCE OF 1033.81 FEET TO A POINT, THENCE N 60 DEG. 44 MIN. 10 SEC. E A DISTANCE OF 860.18 FEET TO A POINT, THENCE N 58 DEG. 19 MIN. 27 SEC. E A DISTANCE OF 1033.83 FEET TO A POINT, THENCE N 58 DEG. 09 MIN. 48 SEC. E A DISTANCE OF 1019.60 FEET TO A POINT, THENCE N 55 DEG. 36 MIN. 20 SEC. E A DISTANCE OF 752.96 FEET TO A POINT, THENCE N 58 DEG. 36 MIN. 12 SEC. E A DISTANCE OF 1223.92 FEET TO A POINT, THENCE N 58 DEG. 35 MIN. 51 SEC. E A DISTANCE OF 749.52 FEET TO A POINT, THENCE N 58 DEG. 05 MIN. 56 SEC. E A DISTANCE OF 1221.47 FEET TO A POINT, THENCE N 58 DEG. 24 MIN. 25 SEC. E A DISTANCE OF 978.34 FEET TO A POINT, THENCE N 59 DEG. 25 MIN. 29 SEC. E A DISTANCE OF 983.30 FEET TO A POINT, THENCE N 60 DEG. 22 MIN. 06 SEC. E A DISTANCE OF 995.94 FEET TO A POINT, THENCE N 55 DEG. 53 MIN. 32 SEC. E DISTANCE OF 1077.25 FEET TO A POINT, THENCE N 56 DEG. 26 MIN. 53 SEC. E A DISTANCE OF 1106.81 FEET TO A POINT, THENCE N 56 DEG. 44 MIN. 04 SEC. E A DISTANCE OF 876.55 FEET TO A POINT, THENCE N 54 DEG. 24 MIN. 10 SEC. E A DISTANCE OF 272.84 FEET TO A POINT, THENCE N 30 DEG. 00 MIN. 00 SEC. W A DISTANCE OF 264.15 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4 (LEE COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 12-83-A23 AND RUN THENCE S 77 DEG. 50 MIN. 42 SEC. E A DISTANCE OF 152.22 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 3 DEG. 49 MIN. 56 SEC. W DISTANCE OF 93.22 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 72 DEG. 46 MIN. 19 SEC. W A DISTANCE OF 181.99 FEET TO A POINT, THENCE S 19 DEG. 20 MIN. 29 SEC. E A DISTANCE OF 640.15 FEET TO A POINT, THENCE S 40 DEG. 26 MIN. 45 SEC. E A DISTANCE OF 951.41 FEET TO A POINT, THENCE S 51 DEG. 46 MIN. 12 SEC. E A DISTANCE OF 602.67 FEET TO A POINT, THENCE S 44 DEG. 07 MIN. 43 SEC. E A DISTANCE OF 804.31 FEET TO A POINT, THENCE S 51 DEG. 14 MIN. 24 SEC. E A DISTANCE OF 1115.72 FEET TO A POINT, THENCE S 56 DEG. 25 MIN. 43 SEC. E A

DISTANCE OF 985.65 FEET TO A POINT, THENCE S 65 DEG. 54 MIN. 10 SEC. E A DISTANCE OF 1004.61 FEET TO A POINT, THENCE S 68 DEG. 27 MIN. 03 SEC. E A DISTANCE OF 844.38 FEET TO A POINT, THENCE S 67 DEG. 38 MIN. 48 SEC. E A DISTANCE OF 520.08 FEET TO A POINT, THENCE S 67 DEG. 38 MIN. 48 SEC. E A DISTANCE OF 800.90 FEET TO A POINT, THENCE S 66 DEG. 16 MIN. 39 SEC. E A DISTANCE OF 1457.00 FEET TO A POINT, THENCE S 66 DEG. 07 MIN. 47 SEC. E A DISTANCE OF 1403.11 FEET TO A POINT, THENCE S 61 DEG. 00 MIN. 39 SEC. E A DISTANCE OF 1060.83 FEET TO A POINT, THENCE S 60 DEG. 14 MIN. 34 SEC. E A DISTANCE OF 880.10 FEET TO A POINT, THENCE S 58 DEG. 50 MIN. 33 SEC. E A DISTANCE OF 1009.56 FEET TO A POINT, THENCE S 58 DEG. 04 MIN. 04 SEC. E A DISTANCE OF 1008.87 FEET TO A POINT, THENCE S 55 DEG. 18 MIN. 39 SEC. E A DISTANCE OF 382.94 FEET TO A POINT, THENCE S 56 DEG. 54 MIN. 54 SEC. E A DISTANCE OF 594.24 FEET TO A POINT, THENCE S 53 DEG. 46 MIN. 54 SEC. E A DISTANCE OF 1058.44 FEET TO A POINT, THENCE S 50 DEG. 58 MIN. 03 SEC. E A DISTANCE OF 804.56 FEET TO A POINT, THENCE S 50 DEG. 41 MIN. 17 SEC. E A DISTANCE OF 1306.51 FEET TO A POINT, THENCE S 48 DEG. 28 MIN. 33 SEC. E A DISTANCE OF 949.33 FEET TO A POINT, THENCE S 49 DEG. 57 MIN. 50 SEC. E A DISTANCE OF 914.13 FEET TO A POINT, THENCE S 39 DEG. 44 MIN. 19 SEC. E A DISTANCE OF 914.80 FEET TO A POINT, THENCE S 43 DEG. 33 MIN. 54 SEC. E A DISTANCE OF 593.85 FEET TO A POINT THENCE S 45 DEG. 11 MIN. 48 SEC. E A DISTANCE OF 447.46 FEET TO A POINT, THENCE S 43 DEG. 26 MIN. 32 SEC. E A DISTANCE OF 780.56 FEET TO A POINT, THENCE S 39 DEG. 14 MIN. 12 SEC. E A DISTANCE OF 1281.62 FEET TO A POINT, THENCE S 29 DEG. 22 MIN. 44 SEC. E A DISTANCE OF 1109.45 FEET TO A POINT, THENCE S 27 DEG. 33 MIN. 26 SEC. E A DISTANCE OF 918.53 FEET TO A POINT, THENCE S 13 DEG. 32 MIN. 40 SEC. E A DISTANCE OF 670.84 FEET TO A POINT, THENCE S 08 DEG. 05 MIN. 44 SEC. E A DISTANCE OF 676.86 FEET TO A POINT, THENCE S 13 DEG. 58 MIN. 51 SEC. E A DISTANCE OF 1012.95 FEET TO A POINT, THENCE S 49 DEG. 47 MIN. 45 SEC. E A DISTANCE OF 1003.61 FEET TO A POINT, THENCE S 40 DEG. 19 MIN. 08 SEC. E A DISTANCE OF 1842.60 FEET TO A POINT, THENCE S 77 DEG. 43 MIN. 42 SEC. E A DISTANCE OF 1365.50 FEET TO A POINT, THENCE S 86 DEG. 10 MIN. 53 SEC. E A DISTANCE OF 1009.50 FEET TO A POINT, THENCE N 88 DEG. 43 MIN. 47 SEC. E A DISTANCE OF 919.75 FEET TO A POINT, THENCE N 68 DEG. 39 MIN. 47 SEC. E A DISTANCE OF 597.68 FEET TO A POINT, THENCE N 00 DEG. 32 MIN. 23 SEC. W A DISTANCE OF 155.80 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND

BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 5 (LEE COUNTY). SEGMENT 6: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 12-83-A45 AND RUN THENCE S 41 DEG. 32 MIN. 01 SEC. W A DISTANCE OF 779.57 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 64 DEG. 28 MIN. 32 SEC. W A DISTANCE OF 206.22 FEET TO A POINT, THENCE S 30 DEG. 41 MIN. 00 SEC. E A DISTANCE OF 303.65 FEET TO A POINT, THENCE S 30 DEG. 41 MIN. 00 SEC. E A DISTANCE OF 478.35 FEET TO A POINT, THENCE S 29 DEG. 07 MIN. 15 SEC. E A DISTANCE OF 539.82 FEET TO A POINT, THENCE S 29 DEG. 06 MIN. 47 SEC. E A DISTANCE OF 541.64 FEET TO A POINT, THENCE S 26 DEG. 08 MIN. 05 SEC. E A DISTANCE OF 347.63 FEET TO A POINT, THENCE S 30 DEG. 19 MIN. 18 SEC. E A DISTANCE OF 407.71 FEET TO A POINT, THENCE S 27 DEG. 06 MIN. 31 SEC. E A DISTANCE OF 1005.15 FEET TO A POINT, THENCE S 24 DEG. 52 MIN. 13 SEC. E A DISTANCE OF 1355.66 FEET TO A POINT, THENCE S 23 DEG. 19 MIN. 50 SEC. E A DISTANCE OF 458.65 FEET TO A POINT, THENCE S 19 DEG. 59 MIN. 06 SEC. E A DISTANCE OF 494.59 FEET TO A POINT, THENCE S 24 DEG. 31 MIN. 16 SEC. E A DISTANCE OF 137.13 FEET TO A POINT, THENCE S 22 DEG. 34 MIN. 13 SEC. E A DISTANCE OF 894.45 FEET TO A POINT, THENCE S 22 DEG. 10 MIN. 30 SEC. E A DISTANCE OF 1155.99 FEET TO A POINT, THENCE S 21 DEG. 09 MIN. 25 SEC. E A DISTANCE OF 940.06 FEET TO A POINT, THENCE S 20 DEG. 55 MIN. 29 SEC. E A DISTANCE OF 987.94 FEET TO A POINT, THENCE S 22 DEG. 55 MIN. 29 SEC. E A DISTANCE OF 751.08 FEET TO A POINT, THENCE S 22 DEG. 55 MIN. 49 SEC. E TO THE INTERSECTION OF THE LEE-COLLIER COUNTY LINE, THENCE RUN EASTERLY ALONG THE LEE-COLLIER COUNTY LINE TO A POINT LOCATED ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING THE TERMINUS POINT OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 6 (LEE COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.160 Collier County.

The legal description for the Collier County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded June 29,

1989 in "Construction Setback Line book 1, Pages 26 through 36" and in "O.R. Book 1452, Pages 258 through 275 Doc. #01293533, Map reference Page 276, Doc. 1293534" of the public records of Collier County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) WIGGINS AND RUN THENCE S 75 DEG. 47 MIN. 04 SEC. E A DISTANCE OF 998.74 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 89 DEG. 07 MIN. 25 SEC. E A DISTANCE OF 832.13 FEET TO A POINT, THENCE S 16 DEG. 06 MIN. 23 SEC. E A DISTANCE OF 979.83 FEET TO A POINT, THENCE S 19 DEG. 05 MIN. 23 SEC. E A DISTANCE OF 1023.63 FEET TO A POINT, THENCE S 19 DEG. 21 MIN. 34 SEC. E A DISTANCE OF 1019.69 FEET TO A POINT, THENCE S 18 DEG. 55 MIN. 58 SEC. E A DISTANCE OF 1020.25 FEET TO A POINT, THENCE S 19 DEG. 06 MIN. 23 SEC. E A DISTANCE OF 149.89 FEET TO A POINT, THENCE N 78 DEG. 22 MIN. 10 SEC. E A DISTANCE OF 647.04 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1 (COLLIER COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 64-78-A04 AND RUN THENCE N 45 DEG. 28 MIN. 08 SEC. E A DISTANCE OF 564.67 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 10 DEG. 38 MIN. 21 SEC. E A DISTANCE OF 1025.93 FEET TO A POINT, THENCE S 11 DEG. 32 MIN. 24 SEC. E A DISTANCE OF 1039.81 FEET TO A POINT, THENCE S 09 DEG. 53 MIN. 26 SEC. E A DISTANCE OF 257.20 FEET TO A POINT, THENCE S 59 DEG. 47 MIN. 14 SEC. E A DISTANCE OF 115.37 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 88 DEG. 58 MIN. 02 SEC. W A DISTANCE OF 273.84 FEET TO A POINT, THENCE S 12 DEG. 07 MIN. 22 SEC. E A DISTANCE OF 672.47 FEET TO A POINT, THENCE S 12 DEG. 09 MIN. 03 SEC. E A DISTANCE OF 1002.44 FEET TO A POINT, THENCE S 77 DEG. 50 MIN. 57 SEC. W A DISTANCE OF 100.00 FEET TO A POINT, THENCE S 13 DEG. 23 MIN. 53 SEC. E A

DISTANCE OF 1044.42 FEET TO A POINT, THENCE S 11 DEG. 39 MIN. 00 SEC. E A DISTANCE OF 1025.12 FEET TO A POINT, THENCE S 10 DEG. 51 MIN. 15 SEC. E A DISTANCE OF 961.21 FEET TO A POINT, THENCE S 08 DEG. 11 MIN. 33 SEC. E A DISTANCE OF 1045.67 FEET TO A POINT, THENCE S 08 DEG. 49 MIN. 48 SEC. E A DISTANCE OF 1042.35 FEET TO A POINT, THENCE S 80 DEG. 53 MIN. 00 SEC. E A DISTANCE OF 655.74 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2 (COLLIER COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 64-78-A11 AND RUN THENCE S 71 DEG. 12 MIN. 27 SEC. E A DISTANCE OF 881.24 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 25 DEG. 47 MIN. 39 SEC. W A DISTANCE OF 974.66 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 89 DEG. 30 MIN. 45 SEC. E A DISTANCE OF 223.34 FEET TO A POINT, THENCE S 05 DEG. 44 MIN. 36 SEC. E A DISTANCE OF 1049.39 FEET TO A POINT, THENCE S 05 DEG. 11 MIN. 58 SEC. E A DISTANCE OF 1071.42 FEET TO A POINT, THENCE S 01 DEG. 03 MIN. 18 SEC. E A DISTANCE OF 1032.67 FEET TO A POINT, THENCE S 02 DEG. 53 MIN. 21 SEC. E A DISTANCE OF 971.05 FEET TO A POINT, THENCE S 06 DEG. 29 MIN. 48 SEC. E A DISTANCE OF 737.48 FEET TO A POINT, THENCE S 89 DEG. 59 MIN. 55 SEC. E A DISTANCE OF 175.87 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3 (COLLIER COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 67-78-A12 AND RUN THENCE S 83 DEG. 33 MIN. 23 SEC. E A DISTANCE OF 560.55 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 71 DEG. 34 MIN. 12 SEC. W A DISTANCE OF 268.50 FEET TO A POINT THENCE S 17 DEG. 42 MIN. 00 SEC. E A DISTANCE OF 1085.64 FEET TO A POINT, THENCE S 16 DEG. 59 MIN. 55 SEC. E A

DISTANCE OF 1009.69 FEET TO A POINT, THENCE S 13 DEG. 40 MIN. 11 SEC. E A DISTANCE OF 1074.90 FEET TO A POINT, THENCE S 10 DEG. 06 MIN. 42 SEC. E A DISTANCE OF 1059.46 FEET TO A POINT, THENCE S 08 DEG. 22 MIN. 31 SEC. E A DISTANCE OF 1039.93 FEET TO A POINT, THENCE S 09 DEG. 35 MIN. 13 SEC. E A DISTANCE OF 984.07 FEET TO A POINT, THENCE S 11 DEG. 09 MIN. 16 SEC. E A DISTANCE OF 935.79 FEET TO A POINT, THENCE S 09 DEG. 18 MIN. 32 SEC. E A DISTANCE OF 798.21 FEET TO A POINT, THENCE S 09 DEG. 31 MIN. 57 SEC. E A DISTANCE OF 809.98 FEET TO A POINT, THENCE S 07 DEG. 26 MIN. 50 SEC. E A DISTANCE OF 797.48 FEET TO A POINT, THENCE S 03 DEG. 09 MIN. 38 SEC. E A DISTANCE OF 818.41 FEET TO A POINT, THENCE S 02 DEG. 29 MIN. 01 SEC. E A DISTANCE OF 805.89 FEET TO A POINT, THENCE S 07 DEG. 26 MIN. 17 SEC. E A DISTANCE OF 793.71 FEET TO A POINT, THENCE S 07 DEG. 01 MIN. 43 SEC. E A DISTANCE OF 809.44 FEET TO A POINT, THENCE S 06 DEG. 36 MIN. 05 SEC. E A DISTANCE OF 800.30 FEET TO A POINT, THENCE S 07 DEG. 02 MIN. 43 SEC. E A DISTANCE OF 799.03 FEET TO A POINT, THENCE S 06 DEG. 35 MIN. 44 SEC. E A DISTANCE OF 818.47 FEET TO A POINT, THENCE S 06 DEG. 56 MIN. 15 SEC. E A DISTANCE OF 794.43 FEET TO A POINT, THENCE S 07 DEG. 29 MIN. 26 SEC. E A DISTANCE OF 797.00 FEET TO A POINT, THENCE S 08 DEG. 47 MIN. 27 SEC. E A DISTANCE OF 787.32 FEET TO A POINT, THENCE S 02 DEG. 40 MIN. 50 SEC. E A DISTANCE OF 771.30 FEET TO A POINT, THENCE S 05 DEG. 27 MIN. 20 SEC. E A DISTANCE OF 1092.74 FEET TO A POINT, THENCE S 05 DEG. 19 MIN. 37 SEC. E A DISTANCE OF 1572.76 FEET TO A POINT, THENCE S 05 DEG. 18 MIN. 30 SEC. E A DISTANCE OF 665.63 FEET TO A POINT, THENCE S 09 DEG. 12 MIN. 47 SEC. E A DISTANCE OF 869.76 FEET TO A POINT, THENCE S 50 DEG. 39 MIN. 03 SEC. E A DISTANCE OF 1047.72 FEET TO A POINT, THENCE S 05 DEG. 26 MIN. 55 SEC. E A DISTANCE OF 1021.32 FEET TO A POINT, THENCE S 06 DEG. 19 MIN. 36 SEC. E A DISTANCE OF 916.41 FEET TO A POINT, THENCE S 05 DEG. 50 MIN. 47 SEC. E A DISTANCE OF 884.64 FEET TO A POINT, THENCE S 03 DEG. 55 MIN. 47 SEC. E A DISTANCE OF 2013.49 FEET TO A POINT, THENCE S 06 DEG. 23 MIN. 27 SEC. E A DISTANCE OF 365.57 FEET TO A POINT, THENCE S 30 DEG. 32 MIN. 03 SEC. E A DISTANCE OF 583.74 FEET TO A POINT, THENCE N 53 DEG. 14 MIN. 59 SEC. E A DISTANCE OF 196.90 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4 (COLLIER COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY

FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR) PERMANENT REFERENCE MONUMENT (PRM) 67-78-A24 AND RUN THENCE N 37 DEG. 08 MIN. 48 SEC. E A DISTANCE OF 742.59 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 57 DEG. 01 MIN. 28 SEC. E A DISTANCE OF 982.92 FEET TO A POINT, THENCE S 42 DEG. 27 MIN. 19 SEC. E A DISTANCE OF 1370.41 FEET TO A POINT, THENCE S 28 DEG. 24 MIN. 52 SEC. E A DISTANCE OF 937.42 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 61 DEG. 33 MIN. 39 SEC. W A DISTANCE OF 100.00 FEET TO A POINT, THENCE S 28 DEG. 26 MIN. 21 SEC. E A DISTANCE OF 995.61 FEET TO A POINT, THENCE S 30 DEG. 40 MIN. 54 SEC. E A DISTANCE OF 1240.00 FEET TO A POINT, THENCE S 30 DEG. 28 MIN. 19 SEC. E A DISTANCE OF 217.80 FEET TO A POINT, THENCE S 29 DEG. 06 MIN. 03 SEC. E A DISTANCE OF 2021.34 FEET TO A POINT, THENCE S 23 DEG. 23 MIN. 26 SEC. E A DISTANCE OF 433.81 FEET TO A POINT, THENCE S 18 DEG. 32 MIN. 10 SEC. E A DISTANCE OF 1179.69 FEET TO A POINT, THENCE S 20 DEG. 52 MIN. 01 SEC. E A DISTANCE OF 997.26 FEET TO A POINT, THENCE S 11 DEG. 40 MIN. 08 SEC. E A DISTANCE OF 1161.47 FEET TO A POINT, THENCE S 02 DEG. 08 MIN. 00 SEC. E A DISTANCE OF 1033.35 FEET TO A POINT, THENCE S 01 DEG. 48 MIN. 13 SEC. E A DISTANCE OF 1042.75 FEET TO A POINT, THENCE S 00 DEG. 33 MIN. 53 SEC. W A DISTANCE OF 923.84 FEET TO A POINT, THENCE S 00 DEG. 16 MIN. 24 SEC. W A DISTANCE OF 1006.04 FEET TO A POINT, THENCE S 17 DEG. 24 MIN. 32 SEC. E A DISTANCE OF 745.33 FEET TO A POINT, THENCE N 72 DEG. 35 MIN. 28 SEC. E A DISTANCE OF 100.00 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 5 (COLLIER COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.170 Sarasota County.

The legal description for the Sarasota County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded March 2, 1989 in "O.R. Book 2102, Pages 2632 through 2650" and in "Control Line Book 2" of the public records of Sarasota County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-A01 AND RUN THENCE N 53 DEG. 31 MIN. 14 SEC. W A DISTANCE OF 156.72 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 58 DEG. 27 MIN. 09 SEC. W A DISTANCE OF 149.81 FEET TO A POINT, THENCE S 29 DEG. 55 MIN. 24 SEC. E A DISTANCE OF 947.44 FEET TO A POINT, THENCE S 29 DEG. 24 MIN. 12 SEC. E A DISTANCE OF 951.80 FEET TO A POINT, THENCE S 26 DEG. 07 MIN. 18 SEC. E A DISTANCE OF 1032.71 FEET TO A POINT, THENCE S 28 DEG. 44 MIN. 42 SEC. E A DISTANCE OF 1004.82 FEET TO A POINT, THENCE S 30 DEG. 11 MIN. 08 SEC. E A DISTANCE OF 762.66 FEET TO A POINT, THENCE S 31 DEG. 42 MIN. 48 SEC. E A DISTANCE OF 1176.05 FEET TO A POINT, THENCE S 34 DEG. 25 MIN. 39 SEC. E A DISTANCE OF 937.89 FEET TO A POINT, THENCE S 34 DEG. 43 MIN. 45 SEC. E A DISTANCE OF 1050.43 FEET TO A POINT, THENCE S 34 DEG. 20 MIN. 30 SEC. E A DISTANCE OF 977.97 FEET TO A POINT, THENCE S 34 DEG. 17 MIN. 55 SEC. E A DISTANCE OF 1072.69 FEET TO A POINT, THENCE S 33 DEG. 23 MIN. 27 SEC. E A DISTANCE OF 998.29 FEET TO A POINT, THENCE S 32 DEG. 52 MIN. 54 SEC. E A DISTANCE OF 1037.83 FEET TO A POINT, THENCE S 40 DEG. 29 MIN. 08 SEC. E A DISTANCE OF 565.13 FEET TO A POINT, THENCE S 54 DEG. 07 MIN. 51 SEC. E A DISTANCE OF 421.78 FEET TO A POINT, THENCE S 41 DEG. 34 MIN. 38 SEC. E A DISTANCE OF 1001.86 FEET TO A POINT, THENCE S 38 DEG. 49 MIN. 05 SEC. E A DISTANCE OF 1034.88 FEET TO A POINT, THENCE S 38 DEG. 47 MIN. 30 SEC. E A DISTANCE OF 1236.22 FEET TO A POINT, THENCE S 38 DEG. 30 MIN. 09 SEC. E A DISTANCE OF 677.11 FEET TO A POINT, THENCE S 46 DEG. 39 MIN. 47 SEC. E A DISTANCE OF 1000.03 FEET TO A POINT, THENCE S 40 DEG. 50 MIN. 34 SEC. E A DISTANCE OF 722.32 FEET TO A POINT, THENCE N 47 DEG. 15 MIN. 25 SEC. E A DISTANCE OF 25.01 FEET TO A POINT, THENCE S 40 DEG. 55 MIN. 08 SEC. E A DISTANCE OF 287.66 FEET TO A POINT, THENCE S 41 DEG. 31 MIN. 03 SEC. E A DISTANCE OF 915.60 FEET TO A POINT, THENCE S 42 DEG. 05 MIN. 07 SEC. E A DISTANCE OF 1146.74 FEET TO A POINT, THENCE S 43 DEG. 22 MIN. 54 SEC. E A DISTANCE OF 932.97 FEET TO A POINT, THENCE S 40 DEG. 14 MIN. 55 SEC. E A DISTANCE OF 1217.55 FEET TO A POINT, THENCE S 39 DEG. 31 MIN. 16 SEC. E A DISTANCE OF 771.48 FEET TO A POINT, THENCE S 39 DEG. 17 MIN. 49 SEC. E A

DISTANCE OF 971.96 FEET TO A POINT, THENCE N 47 DEG. 07 MIN. 19 SEC. E A DISTANCE OF 25.08 FEET TO A POINT, THENCE S 38 DEG. 32 MIN. 22 SEC. E A DISTANCE OF 976.35 FEET TO A POINT, THENCE S 43 DEG. 29 MIN. 59 SEC. E A DISTANCE OF 968.83 FEET TO A POINT, THENCE S 50 DEG. 47 MIN. 36 SEC. E A DISTANCE OF 826.18 FEET TO A POINT, THENCE N 28 DEG. 22 MIN. 29 SEC. E A DISTANCE OF 356.77 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1 (SARASOTA COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-A16 AND RUN THENCE S 46 DEG. 36 MIN. 13 SEC. W A DISTANCE OF 1284.21 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 66 DEG. 35 MIN. 38 SEC. E A DISTANCE OF 296.94 FEET TO A POINT, THENCE S 30 DEG. 24 MIN. 18 SEC. E A DISTANCE OF 112.10 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 59 DEG. 35 MIN. 42 SEC. W A DISTANCE OF 200.88 FEET TO A POINT, THENCE S 30 DEG. 24 MIN. 18 SEC. E A DISTANCE OF 604.24 FEET TO A POINT, THENCE S 30 DEG. 24 MIN. 18 SEC. E A DISTANCE OF 1013.44 FEET TO A POINT, THENCE S 41 DEG. 49 MIN. 28 SEC. E A DISTANCE OF 992.42 FEET TO A POINT, THENCE S 39 DEG. 39 MIN. 59 SEC. E A DISTANCE OF 952.57 FEET TO A POINT, THENCE S 32 DEG. 39 MIN. 40 SEC. E A DISTANCE OF 1022.68 FEET TO A POINT, THENCE S 29 DEG. 09 MIN. 51 SEC. E A DISTANCE OF 1021.56 FEET TO A POINT, THENCE S 23 DEG. 48 MIN. 54 SEC. E A DISTANCE OF 989.01 FEET TO A POINT, THENCE S 23 DEG. 54 MIN. 18 SEC. E A DISTANCE OF 924.34 FEET TO A POINT, THENCE S 36 DEG. 47 MIN. 58 SEC. E A DISTANCE OF 975.05 FEET TO A POINT, THENCE S 49 DEG. 01 MIN. 56 SEC. E A DISTANCE OF 140.41 FEET TO A POINT, THENCE N 51 DEG. 37 MIN. 15 SEC. E A DISTANCE OF 260.86 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2 (SARASOTA COUNTY.) SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-A25 AND RUN THENCE N 71 DEG. 13 MIN. 43 SEC.

W A DISTANCE OF 1400.48 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 18 DEG. 03 MIN. 30 SEC. E A DISTANCE OF 692.29 FEET TO A POINT, THENCE S 17 DEG. 50 MIN. 33 SEC. E A DISTANCE OF 767.53 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 44 DEG. 47 MIN. 41 SEC. W A DISTANCE OF 273.41 FEET TO A POINT, THENCE S 53 DEG. 47 MIN. 24 SEC. E A DISTANCE OF 930.55 FEET TO A POINT, THENCE S 53 DEG. 39 MIN. 40 SEC. E A DISTANCE OF 925.63 FEET TO A POINT, THENCE S 58 DEG. 04 MIN. 34 SEC. E A DISTANCE OF 1126.54 FEET TO A POINT, THENCE S 62 DEG. 13 MIN. 32 SEC. E A DISTANCE OF 966.32 FEET TO A POINT, THENCE S 59 DEG. 18 MIN. 20 SEC. E A DISTANCE OF 1006.29 FEET TO A POINT, THENCE S 69 DEG. 13 MIN. 06 SEC. E A DISTANCE OF 1073.29 FEET TO A POINT, THENCE S 74 DEG. 13 MIN. 13 SEC. E A DISTANCE OF 71.44 FEET TO A POINT, THENCE S 56 DEG. 14 MIN. 40 SEC. E A DISTANCE OF 1023.08 FEET TO A POINT, THENCE S 46 DEG. 58 MIN. 50 SEC. E A DISTANCE OF 1034.95 FEET TO A POINT, THENCE S 46 DEG. 47 MIN. 41 SEC. E A DISTANCE OF 1101.37 FEET TO A POINT, THENCE S 37 DEG. 26 MIN. 00 SEC. E A DISTANCE OF 454.10 FEET TO A POINT, THENCE S 43 DEG. 47 MIN. 59 SEC. E A DISTANCE OF 586.90 FEET TO A POINT, THENCE S 36 DEG. 27 MIN. 50 SEC. E A DISTANCE OF 961.51 FEET TO A POINT, THENCE S 34 DEG. 19 MIN. 42 SEC. E A DISTANCE OF 102.58 FEET TO A POINT, THENCE S 29 DEG. 28 MIN. 37 SEC. E A DISTANCE OF 902.27 FEET TO A POINT, THENCE S 29 DEG. 37 MIN. 32 SEC. E A DISTANCE OF 1083.05 FEET TO A POINT, THENCE S 23 DEG. 35 MIN. 26 SEC. E A DISTANCE OF 590.03 FEET TO A POINT, THENCE S 22 DEG. 54 MIN. 26 SEC. E A DISTANCE OF 498.83 FEET TO A POINT, THENCE S 21 DEG. 02 MIN. 22 SEC. E A DISTANCE OF 437.94 FEET TO A POINT, THENCE S 21 DEG. 02 MIN. 23 SEC. E A DISTANCE OF 54.21 FEET TO A POINT, THENCE S 06 DEG. 19 MIN. 17 SEC. W A DISTANCE OF 707.48 FEET TO A POINT, THENCE S 72 DEG. 48 MIN. 34 SEC. W A DISTANCE OF 167.36 FEET TO A POINT, THENCE S 31 DEG. 43 MIN. 40 SEC. E A DISTANCE OF 835.48 FEET TO A POINT, THENCE S 36 DEG. 36 MIN. 53 SEC. E A DISTANCE OF 930.52 FEET TO A POINT, THENCE S 77 DEG. 35 MIN. 24 SEC. E A DISTANCE OF 377.21 FEET TO A POINT, THENCE S 47 DEG. 02 MIN. 46 SEC. E A DISTANCE OF 390.27 FEET TO A POINT, THENCE S 46 DEG. 27 MIN. 43 SEC. E A DISTANCE OF 221.08 FEET TO A POINT, THENCE S 30 DEG. 57 MIN. 16 SEC. E A DISTANCE OF 878.52 FEET TO A POINT, THENCE S 48 DEG. 39 MIN. 12 SEC. E A DISTANCE OF 1095.15 FEET TO A POINT, THENCE N 60 DEG. 56 MIN. 40 SEC. E A

DISTANCE OF 152.92 FEET TO A POINT, AID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3 (SARASOTA COUNTY) SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-B07 AND RUN THENCE N 75 DEG. 29 MIN. 50 SEC. E A DISTANCE OF 386.34 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 21 DEG. 31 MIN. 36 SEC. E A DISTANCE OF 771.57 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 68 DEG. 28 MIN. 24 SEC. W A DISTANCE OF 41.52 FEET TO A POINT, THENCE S 21 DEG. 51 MIN. 51 SEC. E A DISTANCE OF 393.15 FEET TO A POINT, THENCE S 15 DEG. 41 MIN. 16 SEC. E A DISTANCE OF 968.29 FEET TO A POINT, THENCE S 20 DEG. 31 MIN. 21 SEC. E A DISTANCE OF 997.77 FEET TO A POINT, THENCE S 18 DEG. 53 MIN. 07 SEC. E A DISTANCE OF 1019.08 FEET TO A POINT, THENCE S 22 DEG. 34 MIN. 45 SEC. E A DISTANCE OF 844.05 FEET TO A POINT, THENCE S 22 DEG. 29 MIN. 46 SEC. E A DISTANCE OF 1019.82 FEET TO A POINT, THENCE S 16 DEG. 34 MIN. 37 SEC. E A DISTANCE OF 1103.32 FEET TO A POINT, THENCE S 17 DEG. 41 MIN. 04 SEC. E A DISTANCE OF 812.56 FEET TO A POINT, THENCE S 17 DEG. 45 MIN. 20 SEC. E A DISTANCE OF 1150.93 FEET TO A POINT, THENCE S 11 DEG. 40 MIN. 25 SEC. W A DISTANCE OF 204.89 FEET TO A POINT, THENCE S 18 DEG. 41 MIN. 26 SEC. E A DISTANCE OF 813.06 FEET TO A POINT, THENCE S 21 DEG. 27 MIN. 45 SEC. E A DISTANCE OF 1127.11 FEET TO A POINT, THENCE S 23 DEG. 58 MIN. 18 SEC. E A DISTANCE OF 1186.60 FEET TO A POINT, THENCE S 28 DEG. 24 MIN. 42 SEC. E A DISTANCE OF 941.34 FEET TO A POINT, THENCE S 29 DEG. 05 MIN. 00 SEC. E A DISTANCE OF 1093.03 FEET TO A POINT, THENCE S 29 DEG. 27 MIN. 19 SEC. E A DISTANCE OF 780.51 FEET TO A POINT, THENCE N 65 DEG. 53 MIN. 07 SEC. E A DISTANCE OF 50.22 FEET TO A POINT, THENCE S 29 DEG. 39 MIN. 21 SEC. E A DISTANCE OF 487.20 FEET TO A POINT, THENCE S 29 DEG. 48 MIN. 17 SEC. E A DISTANCE OF 706.82 FEET TO A POINT, THENCE S 28 DEG. 52 MIN. 04 SEC. E A DISTANCE OF 972.81 FEET TO A POINT, THENCE S 28 DEG. 36 MIN. 54 SEC. E A DISTANCE OF 1120.17 FEET TO A POINT, THENCE S 29 DEG. 40 MIN. 36 SEC. E A DISTANCE OF 1120.60 FEET TO A POINT, THENCE S 29 DEG. 36 MIN. 28 SEC. E A DISTANCE OF 1042.69 FEET TO A POINT, THENCE S 26 DEG. 51 MIN. 38

SEC. E A DISTANCE OF 2440.71 FEET TO A POINT, THENCE S 25 DEG. 05 MIN. 36 SEC. E A DISTANCE OF 1613.64 FEET TO A POINT, THENCE S 21 DEG. 48 MIN. 49 SEC. E A DISTANCE OF 787.70 FEET TO A POINT, THENCE S 21 DEG. 36 MIN. 52 SEC. E A DISTANCE OF 1208.51 FEET TO A POINT, THENCE S 19 DEG. 04 MIN. 43 SEC. E A DISTANCE OF 1039.12 FEET TO A POINT, THENCE S 17 DEG. 00 MIN. 06 SEC. E A DISTANCE OF 1074.59 FEET TO A POINT, THENCE S 16 DEG. 23 MIN. 13 SEC. E A DISTANCE OF 1030.38 FEET TO A POINT, THENCE S 14 DEG. 31 MIN. 39 SEC. E A DISTANCE OF 1319.98 FEET TO A POINT, THENCE S 15 DEG. 09 MIN. 38 SEC. E A DISTANCE OF 487.83 FEET TO A POINT, THENCE S 14 DEG. 31 MIN. 40 SEC. E A DISTANCE OF 1029.82 FEET TO A POINT, THENCE S 13 DEG. 52 MIN. 00 SEC. E A DISTANCE OF 733.64 FEET TO A POINT, THENCE S 13 DEG. 38 MIN. 14 SEC. E A DISTANCE OF 1285.82 FEET TO A POINT, THENCE S 12 DEG. 54 MIN. 36 SEC. E A DISTANCE OF 1086.54 FEET TO A POINT, THENCE N 79 DEG. 49 MIN. 57 SEC. E A DISTANCE OF 204.87 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4 (SARASOTA COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-B16 AND RUN THENCE S 71 DEG. 44 MIN. 11 SEC. E A DISTANCE OF 1812.04 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 27 DEG. 44 MIN. 19 SEC. W A DISTANCE OF 126.28 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 66 DEG. 52 MIN. 49 SEC. W A DISTANCE OF 438.08 FEET TO A POINT, THENCE S 35 DEG. 50 MIN. 45 SEC. E A DISTANCE OF 482.64 FEET TO A POINT, THENCE S 30 DEG. 37 MIN. 02 SEC. E A DISTANCE OF 1016.77 FEET TO A POINT, THENCE S 23 DEG. 52 MIN. 14 SEC. E A DISTANCE OF 838.51 FEET TO A POINT, THENCE S 21 DEG. 24 MIN. 41 SEC. E A DISTANCE OF 805.62 FEET TO A POINT, THENCE S 20 DEG. 10 MIN. 55 SEC. E A DISTANCE OF 617.30 FEET TO A POINT, THENCE S 19 DEG. 10 MIN. 53 SEC. E A DISTANCE OF 659.49 FEET TO A POINT, THENCE S 18 DEG. 53 MIN. 24 SEC. E A DISTANCE OF 977.87 FEET TO A POINT, THENCE S 36 DEG. 33 MIN. 23 SEC. W A DISTANCE OF 89.29 FEET TO A POINT, THENCE S 08 DEG. 58 MIN. 42 SEC. E A DISTANCE OF 89.61 FEET TO A POINT, THENCE S 15 DEG. 21 MIN. 09 SEC. E A DISTANCE OF 943.16 FEET TO A POINT, THENCE S 17

DEG. 01 MIN. 02 SEC. E A DISTANCE OF 890.63 FEET TO A POINT, THENCE S 16 DEG. 43 MIN. 48 SEC. E A DISTANCE OF 935.16 FEET TO A POINT, THENCE S 15 DEG. 21 MIN. 46 SEC. E A DISTANCE OF 960.35 FEET TO A POINT, THENCE S 28 DEG. 20 MIN. 33 SEC. E A DISTANCE OF 1000.94 FEET TO A POINT, THENCE S 15 DEG. 48 MIN. 50 SEC. E A DISTANCE OF 988.24 FEET TO A POINT, THENCE S 15 DEG. 14 MIN. 30 SEC. E A DISTANCE OF 1009.54 FEET TO A POINT, THENCE N 69 DEG. 20 MIN. 11 SEC. E A DISTANCE OF 244.38 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 5 (SARASOTA COUNTY). SEGMENT 6: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 17-84-C10 AND RUN THENCE S 54 DEG. 52 MIN. 51 SEC. E A DISTANCE OF 193.81 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 31 DEG. 53 MIN. 59 SEC. E A DISTANCE OF 1024.53 FEET TO A POINT, THENCE S 31 DEG. 41 MIN. 56 SEC. E A DISTANCE OF 996.69 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 60 DEG. 54 MIN. 05 SEC. W A DISTANCE OF 60.01 FEET TO A POINT, THENCE S 30 DEG. 00 MIN. 45 SEC. E A DISTANCE OF 1012.93 FEET TO A POINT, THENCE S 30 DEG. 38 MIN. 01 SEC. E A DISTANCE OF 867.38 FEET TO A POINT, THENCE S 29 DEG. 46 MIN. 23 SEC. E A DISTANCE OF 1132.40 FEET TO A POINT, THENCE S 28 DEG. 30 MIN. 01 SEC. E A DISTANCE OF 1021.00 FEET TO A POINT, THENCE S 29 DEG. 40 MIN. 50 SEC. E A DISTANCE OF 923.02 FEET TO A POINT, THENCE S 30 DEG. 01 MIN. 15 SEC. E A DISTANCE OF 945.96 FEET TO A POINT, THENCE S 29 DEG. 01 MIN. 04 SEC. E A DISTANCE OF 1134.82 FEET TO A POINT, THENCE S 28 DEG. 06 MIN. 07 SEC. E A DISTANCE OF 1018.48 FEET TO A POINT, THENCE S 25 DEG. 55 MIN. 17 SEC. E A DISTANCE OF 983.50 FEET TO A POINT, THENCE S 26 DEG. 35 MIN. 58 SEC. E A DISTANCE OF 972.71 FEET TO A POINT, THENCE S 25 DEG. 58 MIN. 43 SEC. E A DISTANCE OF 1029.98 FEET TO A POINT, THENCE S 24 DEG. 18 MIN. 34 SEC. E A DISTANCE OF 903.55 FEET TO A POINT, THENCE S 22 DEG. 40 MIN. 38 SEC. E A DISTANCE OF 979.82 FEET TO A POINT, THENCE S 22 DEG. 52 MIN. 25 SEC. E A DISTANCE OF 997.60 FEET TO A POINT, THENCE S 23 DEG. 37 MIN. 14 SEC. E A DISTANCE OF 1017.71 FEET TO A POINT, THENCE S 24 DEG. 28 MIN. 23 SEC. E A DISTANCE OF 994.42 FEET TO A POINT, THENCE S 23

DEG. 47 MIN. 56 SEC. E A DISTANCE OF 901.23 FEET TO A POINT, THENCE S 23 DEG. 09 MIN. 55 SEC. E A DISTANCE OF 1045.38 FEET TO A POINT, THENCE S 24 DEG. 33 MIN. 22 SEC. E A DISTANCE OF 1053.41 FEET TO A POINT, THENCE S 25 DEG. 13 MIN. 05 SEC. E A DISTANCE OF 995.98 FEET TO A POINT, THENCE S 27 DEG. 01 MIN. 43 SEC. E A DISTANCE OF 999.37 FEET TO A POINT, THENCE S 29 DEG. 47 MIN. 03 SEC. E A DISTANCE OF 937.06 FEET TO A POINT, THENCE S 32 DEG. 31 MIN. 29 SEC. E A DISTANCE OF 1060.01 FEET TO A POINT, THENCE S 28 DEG. 13 MIN. 54 SEC. E A DISTANCE OF 924.83 FEET TO A POINT, THENCE S 35 DEG. 57 MIN. 40 SEC. E A DISTANCE OF 1023.67 FEET TO A POINT, THENCE S 31 DEG. 56 MIN. 29 SEC. E A DISTANCE OF 961.50 FEET TO A POINT, THENCE S 33 DEG. 20 MIN. 51 SEC. E A DISTANCE OF 960.68 FEET TO A POINT, THENCE S 31 DEG. 48 MIN. 49 SEC. E A DISTANCE OF 912.00 FEET TO A POINT, THENCE S 30 DEG. 46 MIN. 14 SEC. E A DISTANCE OF 1114.75 FEET TO A POINT, THENCE S 30 DEG. 27 MIN. 27 SEC. E A DISTANCE OF 916.92 FEET TO A POINT, THENCE S 31 DEG. 27 MIN. 39 SEC. E A DISTANCE OF 1017.82 FEET TO A POINT, THENCE S 30 DEG. 03 MIN. 54 SEC. E A DISTANCE OF 989.78 FEET TO A POINT, THENCE S 29 DEG. 24 MIN. 10 SEC. E A DISTANCE OF 897.84 FEET TO A POINT, THENCE S 29 DEG. 25 MIN. 50 SEC. E A DISTANCE OF 1009.15 FEET TO A POINT, THENCE S 29 DEG. 13 MIN. 26 SEC. E A DISTANCE OF 1034.13 FEET TO A POINT, THENCE S 27 DEG. 28 MIN. 59 SEC. E A DISTANCE OF 757.84 FEET TO A POINT, THENCE S 27 DEG. 28 MIN. 59 SEC. E TO THE INTERSECTION OF THE SARASOTA-CHARLOTTE COUNTY LINE. THENCE RUN EASTERLY ALONG THE SARASOTA-CHARLOTTE COUNTY LINE TO A POINT LOCATED ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING THE TERMINUS POINT OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 6 (SARASOTA COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.180 Manatee County.

The legal description for the Manatee County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded August 6, 1987 in "record Plat Book #10, Pages 1 through 7", of the public records of Manatee County, Florida, said General Permit Line being more particularly described as follows:

NORTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE

MONUMENT (PRM) 13-85-A04 AND RUN THENCE N 82 DEG. 42 MIN. 50 SEC. E A DISTANCE OF 172.73 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 70 DEG. 25 MIN. 06 SEC. W A DISTANCE OF 109.47 FEET TO A POINT, THENCE S 35 DEG. 30 MIN. 32 SEC. E A DISTANCE OF 898.30 FEET TO A POINT, THENCE S 39 DEG. 32 MIN. 58 SEC. W A DISTANCE OF 52.11 FEET TO A POINT, THENCE S 35 DEG. 25 MIN. 46 SEC. E A DISTANCE OF 1186.59 FEET TO A POINT, THENCE S 54 DEG. 33 MIN. 19 SEC. W A DISTANCE OF 25.09 FEET TO A POINT, THENCE S 35 DEG. 25 MIN. 08 SEC. E A DISTANCE OF 913.10 FEET TO A POINT, THENCE S 48 DEG. 16 MIN. 03 SEC. E A DISTANCE OF 1078.28 FEET TO A POINT, THENCE N 58 DEG. 14 MIN. 42 SEC. E A DISTANCE OF 25.71 FEET TO A POINT, THENCE S 44 DEG. 09 MIN. 33 SEC. E A DISTANCE OF 922.18 FEET TO A POINT, THENCE S 45 DEG. 39 MIN. 10 SEC. E A DISTANCE OF 1070.64 FEET TO A POINT, THENCE S 42 DEG. 19 MIN. 51 SEC. E A DISTANCE OF 1102.52 FEET TO A POINT, THENCE S 34 DEG. 04 MIN. 22 SEC. W A DISTANCE OF 25.74 FEET TO A POINT, THENCE S 41 DEG. 56 MIN. 56 SEC. E A DISTANCE OF 1009.28 FEET TO A POINT, THENCE S 37 DEG. 12 MIN. 02 SEC. E A DISTANCE OF 992.41 FEET TO A POINT, THENCE S 35 DEG. 57 MIN. 02 SEC. E A DISTANCE OF 1228.76 FEET TO A POINT, THENCE S 35 DEG. 37 MIN. 39 SEC. E A DISTANCE OF 842.57 FEET TO A POINT, THENCE S 32 DEG. 18 MIN. 51 SEC. E A DISTANCE OF 1039.25 FEET TO A POINT, THENCE S 33 DEG. 22 MIN. 49 SEC. E A DISTANCE OF 922.22 FEET TO A POINT, THENCE S 28 DEG. 05 MIN. 57 SEC. E A DISTANCE OF 1059.36 FEET TO A POINT, THENCE S 28 DEG. 23 MIN. 32 SEC. E A DISTANCE OF 955.03 FEET TO A POINT, THENCE S 27 DEG. 53 MIN. 20 SEC. E A DISTANCE OF 1134.66 FEET TO A POINT, THENCE S 23 DEG. 42 MIN. 57 SEC. E A DISTANCE OF 967.80 FEET TO A POINT, THENCE S 21 DEG. 13 MIN. 29 SEC. E A DISTANCE OF 935.82 FEET TO A POINT, THENCE S 24 DEG. 44 MIN. 56 SEC. E A DISTANCE OF 1028.07 FEET TO A POINT, THENCE S 69 DEG. 34 MIN. 32 SEC. W A DISTANCE OF 24.96 FEET TO A POINT, THENCE S 22 DEG. 35 MIN. 35 SEC. E A DISTANCE OF 965.92 FEET TO A POINT, THENCE S 20 DEG. 23 MIN. 50 SEC. E A DISTANCE OF 1221.69 FEET TO A POINT, THENCE S 16 DEG. 21 MIN. 48 SEC. E A DISTANCE OF 805.42 FEET TO A POINT, THENCE S 15 DEG. 01 MIN. 26 SEC. E A DISTANCE OF 997.14 FEET TO A POINT, THENCE S 23 DEG. 17 MIN. 15 SEC. E A DISTANCE OF 1410.18 FEET TO A POINT, THENCE S 19 DEG. 27 MIN. 57 SEC. E A DISTANCE OF 882.78 FEET TO A POINT, THENCE S 17 DEG. 23 MIN. 22 SEC. E A

DISTANCE OF 1110.86 FEET TO A POINT, THENCE S 16 DEG. 17 MIN. 49 SEC. E A DISTANCE OF 928.75 FEET TO A POINT, THENCE S 16 DEG. 32 MIN. 40 SEC. E A DISTANCE OF 920.64 FEET TO A POINT, THENCE S 17 DEG. 07 MIN. 20 SEC. E A DISTANCE OF 1095.23 FEET TO A POINT, THENCE S 17 DEG. 56 MIN. 48 SEC. E A DISTANCE OF 961.83 FEET TO A POINT, THENCE S 12 DEG. 47 MIN. 39 SEC. E A DISTANCE OF 492.34 FEET TO A POINT, THENCE S 29 DEG. 51 MIN. 05 SEC. E A DISTANCE OF 439.05 FEET TO A POINT, THENCE N 69 DEG. 47 MIN. 42 SEC. E A DISTANCE OF 207.15 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE (NORTH SEGMENT). SOUTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 13-84-B06 AND RUN THENCE S 77 DEG. 53 MIN. 23 SEC. W A DISTANCE OF 1194.68 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 26 DEG. 12 MIN. 28 SEC. E A DISTANCE OF 1157.06 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 29 DEG. 52 MIN. 36 SEC. W A DISTANCE OF 190.04 FEET TO A POINT, THENCE S 55 DEG. 12 MIN. 01 SEC. E A DISTANCE OF 914.35 FEET TO A POINT, THENCE S 46 DEG. 58 MIN. 54 SEC. E A DISTANCE OF 1096.50 FEET TO A POINT, THENCE S 41 DEG. 04 MIN. 55 SEC. E A DISTANCE OF 833.80 FEET TO A POINT, THENCE S 44 DEG. 58 MIN. 27 SEC. E A DISTANCE OF 1556.75 FEET TO A POINT, THENCE S 52 DEG. 08 MIN. 20 SEC. E A DISTANCE OF 955.55 FEET TO A POINT, THENCE S 60 DEG. 47 MIN. 52 SEC. E A DISTANCE OF 996.98 FEET TO A POINT, THENCE S 54 DEG. 43 MIN. 19 SEC. E A DISTANCE OF 916.23 FEET TO A POINT, THENCE S 46 DEG. 38 MIN. 23 SEC. E A DISTANCE OF 1156.33 FEET TO A POINT, THENCE S 38 DEG. 11 MIN. 30 SEC. E A DISTANCE OF 927.87 FEET TO A POINT, THENCE S 36 DEG. 04 MIN. 22 SEC. E A DISTANCE OF 472.39 FEET TO A POINT, THENCE S 43 DEG. 34 MIN. 08 SEC. E A DISTANCE OF 1490.35 FEET TO A POINT, THENCE S 41 DEG. 46 MIN. 26 SEC. E A DISTANCE OF 782.64 FEET TO A POINT, THENCE S 41 DEG. 45 MIN. 32 SEC. E A DISTANCE OF 985.17 FEET TO A POINT, THENCE S 39 DEG. 45 MIN. 28 SEC. E A DISTANCE OF 917.80 FEET TO A POINT, THENCE S 38 DEG. 26 MIN. 33 SEC. E A DISTANCE OF 991.54 FEET TO A POINT, THENCE S 34 DEG. 38 MIN. 54 SEC. E A DISTANCE OF 1017.28 FEET TO A POINT, THENCE S 32 DEG. 57 MIN. 07 SEC. E A DISTANCE OF

1221.01 FEET TO A POINT, THENCE S 31 DEG. 26 MIN. 48 SEC. E A DISTANCE OF 944.75 FEET TO A POINT, THENCE S 34 DEG. 15 MIN. 18 SEC. E A DISTANCE OF 1087.07 FEET TO A POINT, THENCE S 35 DEG. 31 MIN. 29 SEC. E A DISTANCE OF 975.52 FEET TO A POINT, THENCE S 34 DEG. 03 MIN. 58 SEC. E A DISTANCE OF 1090.87 FEET TO A POINT, THENCE S 33 DEG. 39 MIN. 59 SEC. E A DISTANCE OF 861.93 FEET TO A POINT, THENCE S 31 DEG. 18 MIN. 06 SEC. E A DISTANCE OF 544.61 FEET TO A POINT, THENCE S 31 DEG. 18 MIN. 06 SEC. E TO THE INTERSECTION OF THE MANATEE-SARASOTA COUNTY LINE, THENCE RUN EASTERLY ALONG THE MANATEE-SARASOTA COUNTY LINE TO A POINT LOCATED ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING THE TERMINUS POINT OF THE HEREIN DESCRIBED GENERAL PERMIT LINE (NORTH SEGMENT).

Rulemaking Authority 161.053(21) F.S. Law Implemented 161.053(5), (19), (22) F.S. History—New _____.

62B-34.190 Charlotte County.

The legal description for the Charlotte County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded January 29, 1985 in "setback Book 1, Pages 1A through 1G" of the public records of Charlotte County, Florida, said General Permit Line being more particularly described as follows:

COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 01-82-A01 AND RUN THENCE S 18 DEG. 09 MIN. 56 SEC. W A DISTANCE OF 244.71 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 27 DEG. 16 MIN. 46 SEC. W TO THE INTERSECTION OF THE CHARLOTTE-SARASOTA COUNTY LINE, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: WESTERLY ALONG THE CHARLOTTE-SARASOTA COUNTY LINE TO A POINT, THENCE S 26 DEG. 18 MIN. 22 SEC. E TO A POINT, SAID POINT BEING S 03 DEG. 38 MIN. 55 SEC. E A DISTANCE OF 823.63 FEET FROM PRM 01-82-A01, THENCE S 68 DEG. 12 MIN. 52 SEC. W A DISTANCE OF 25.06 FEET TO A POINT, THENCE S 25 DEG. 35 MIN. 18 DEC. E A DISTANCE OF 1009.86 FEET TO A POINT, THENCE S 28 DEG. 30 MIN. 19 SEC. E A DISTANCE OF 1022.79 FEET TO A POINT, THENCE S 27 DEG. 28 MIN. 19 SEC. E A DISTANCE OF 982.43 FEET TO A POINT, THENCE N 65 DEG. 51 MIN. 08 SEC. E A DISTANCE OF 25.04 FEET TO A POINT, THENCE S 27 DEG. 49 MIN. 58 SEC. E A DISTANCE OF

960.27 FEET TO A POINT, THENCE S 27 DEG. 57 MIN. 03 SEC. E A DISTANCE OF 946.03 FEET TO A POINT, THENCE S 29 DEG. 11 MIN. 15 SEC. E A DISTANCE OF 1016.05 FEET TO A POINT, THENCE S 29 DEG. 09 MIN. 25 SEC. E A DISTANCE OF 877.72 FEET TO A POINT, THENCE S 29 DEG. 52 MIN. 38 SEC. E A DISTANCE OF 1130.05 FEET TO A POINT, THENCE S 26 DEG. 41 MIN. 55 SEC. E A DISTANCE OF 991.32 FEET TO A POINT, THENCE S 27 DEG. 43 MIN. 00 SEC. E A DISTANCE OF 1070.94 FEET TO A POINT, THENCE S 26 DEG. 51 MIN. 45 SEC. E A DISTANCE OF 1024.00 FEET TO A POINT, THENCE S 29 DEG. 32 MIN. 19 SEC. E A DISTANCE OF 1080.49 FEET TO A POINT, THENCE N 63 DEG. 02 MIN. 33 SEC. E A DISTANCE OF 77.87 FEET TO A POINT, THENCE S 22 DEG. 43 MIN. 00 SEC. E A DISTANCE OF 986.10 FEET TO A POINT, THENCE S 38 DEG. 38 MIN. 23 SEC. E A DISTANCE OF 327.67 FEET TO A POINT, THENCE N 58 DEG. 59 MIN. 32 SEC. E A DISTANCE OF 18.53 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE (CHARLOTTE COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.200 Bay County.

The legal description for the Bay County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded February 7, 1997 in "O.R. book 1687, Pages 1048 through 1065 ", and in "Coastal Construction Control Line Book 2, Pages 1 through 12", of the public records of Bay County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 46-76-B03 AND RUN THENCE S 51 DEG. 17 MIN. 40 SEC. E A DISTANCE OF 404.71 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 63 DEG. 42 MIN. 18 SEC. W A DISTANCE OF 500.53 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 26 DEG. 17 MIN. 42 SEC. W A DISTANCE OF 28.83 FEET TO A POINT, THENCE S 63 DEG. 23 MIN. 14 SEC. E A DISTANCE OF 493.90 FEET TO A POINT, THENCE S 61 DEG. 04 MIN. 12 SEC. E A DISTANCE OF 860.30 FEET TO A POINT, THENCE S 65 DEG. 01 MIN. 52 SEC. E A DISTANCE OF 993.55 FEET TO A POINT, THENCE S 62 DEG. 41 MIN. 01 SEC. E A DISTANCE OF 996.14 FEET TO

A POINT, THENCE S 63 DEG. 44 MIN. 00 SEC. E A DISTANCE OF 436.13 FEET TO A POINT, THENCE N 27 DEG. 06 MIN. 21 SEC. E A DISTANCE OF 42.51 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1, (BAY COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 46-91-DA16 AND RUN THENCE S 60 DEG. 03 MIN. 31 SEC. E A DISTANCE OF 575.74 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 61 DEG. 22 MIN. 35 SEC. W A DISTANCE OF 673.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 28 DEG. 37 MIN. 25 SEC. W A DISTANCE OF 102.13 FEET TO A POINT, THENCE S 61 DEG. 57 MIN. 41 SEC. E A DISTANCE OF 668.59 FEET TO A POINT, THENCE S 61 DEG. 22 MIN. 14 SEC. E A DISTANCE OF 911.20 FEET TO A POINT, THENCE S 62 DEG. 58 MIN. 23 SEC. E A DISTANCE OF 1006.41 FEET TO A POINT, THENCE S 60 DEG. 42 MIN. 07 SEC. E A DISTANCE OF 762.07 FEET TO A POINT, THENCE N 27 DEG. 32 MIN. 07 SEC. E A DISTANCE OF 114.45 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE, SEGMENT 2 (BAY COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 46-91-DA14 AND RUN THENCE N 68 DEG. 36 MIN. 06 SEC. W A DISTANCE OF 118.52 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 58 DEG. 23 MIN. 48 SEC. W A DISTANCE OF 64.06 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 31 DEG. 36 MIN. 12 SEC. W A DISTANCE OF 94.05 FEET TO A POINT, THENCE S 58 DEG. 04 MIN. 48 SEC. E A DISTANCE OF 1036.71 FEET TO A POINT, THENCE S 57 DEG. 54 MIN. 03 SEC. E A DISTANCE OF 650.15 FEET TO A POINT, THENCE N 32 DEG. 58 MIN. 17 SEC. E A DISTANCE OF 88.70 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN

DESCRIBED GENERAL PERMIT LINE. SEGMENT 3 (BAY COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-76-B16 AND RUN THENCE S 55 DEG. 45 MIN. 19 SEC. E A DISTANCE OF 615.75 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 56 DEG. 25 MIN. 35 SEC. E A DISTANCE OF 1042.34 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 36 DEG. 07 MIN. 15 SEC. W A DISTANCE OF 105.07 FEET TO A POINT, THENCE S 57 DEG. 06 MIN. 51 SEC. E A DISTANCE OF 1000.02 FEET TO A POINT, THENCE S 56 DEG. 30 MIN. 43 SEC. E A DISTANCE OF 1000.63 FEET TO A POINT, THENCE N 31 DEG. 51 MIN. 14 SEC. E A DISTANCE OF 67.76 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE. SEGMENT 4 (BAY COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-76-B23 AND RUN THENCE S 06 DEG. 12 MIN. 52 SEC. W A DISTANCE OF 236.84 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 55 DEG. 07 MIN. 58 SEC. E A DISTANCE OF 771.85 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 34 DEG. 52 MIN. 02 SEC. W A DISTANCE OF 61.33 FEET TO A POINT, THENCE S 55 DEG. 13 MIN. 31 SEC. E A DISTANCE OF 1097.33 FEET TO A POINT, THENCE N 53 DEG. 18 MIN. 32 SEC. E A DISTANCE OF 53.80 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE. SEGMENT 5. (BAY COUNTY). SEGMENT 6: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-91-DA12 AND RUN THENCE S 00 DEG. 02 MIN. 01 SEC. W A DISTANCE OF 78.03 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 53 DEG. 54 MIN. 23 SEC. E A DISTANCE OF 858.37 FEET TO A POINT, THENCE S 53 DEG. 01 MIN. 32 SEC. E A

DISTANCE OF 317.30 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 36 DEG. 58 MIN. 28 SEC. W A DISTANCE OF 60.32 FEET TO A POINT, THENCE S 52 DEG. 06 MIN. 52 SEC. E A DISTANCE OF 842.76 FEET TO A POINT, THENCE S 52 DEG. 20 MIN. 04 SEC. E A DISTANCE OF 406.06 FEET TO A POINT, THENCE N 37 DEG. 26 MIN. 22 SEC. E A DISTANCE OF 75.15 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 6 (BAY COUNTY). SEGMENT 7: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-91-DA09 AND RUN THENCE S 88 DEG. 42 MIN. 41 SEC. W A DISTANCE OF 1181.49 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 51 DEG. 09 MIN. 08 SEC. W A DISTANCE OF 68.71 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 38 DEG. 50 MIN. 52 SEC. W A DISTANCE OF 114.18 FEET TO A POINT, THENCE S 51 DEG. 43 MIN. 32 SEC. E A DISTANCE OF 84.36 FEET TO A POINT, THENCE S 48 DEG. 59 MIN. 08 SEC. E A DISTANCE OF 918.97 FEET TO A POINT, THENCE N 40 DEG. 02 MIN. 12 SEC. E A DISTANCE OF 128.67 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE. SEGMENT 7 (BAY COUNTY). SEGMENT 8: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-91-DA07 AND RUN THENCE S 87 DEG. 30 MIN. 41 SEC. W A DISTANCE OF 949.57 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 49 DEG. 06 MIN. 57 SEC. E A DISTANCE OF 283.80 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 40 DEG. 53 MIN. 03 SEC. W A DISTANCE OF 61.10 FEET TO A POINT, THENCE S 47 DEG. 46 MIN. 24 SEC. E A DISTANCE OF 530.34 FEET TO A POINT THENCE S 46 DEG. 59 MIN. 54 SEC. E A DISTANCE OF 1066.87 FEET TO A POINT, THENCE S 47 DEG. 02 MIN. 07

SEC. E A DISTANCE OF 863.22 FEET TO A POINT, THENCE S 46 DEG. 14 MIN. 07 SEC. E A DISTANCE OF 1860.34 FEET TO A POINT, THENCE N 43 DEG. 31 MIN. 52 SEC. E A DISTANCE OF 68.87 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE. SEGMENT 8 (BAY COUNTY). SEGMENT 9: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 46-76-A09 AND RUN THENCE N 32 DEG. 41 MIN. 52 SEC. W A DISTANCE OF 494.98 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 73 DEG. 50 MIN. 54 SEC. E A DISTANCE OF 828.60 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 16 DEG. 09 MIN. 06 SEC. W A DISTANCE OF 129.75 FEET TO A POINT, THENCE S 76 DEG. 55 MIN. 51 SEC. E A DISTANCE OF 694.76 FEET TO A POINT, THENCE S 70 DEG. 27 MIN. 41 SEC. E A DISTANCE OF 1007.84 FEET TO A POINT, THENCE S 63 DEG. 38 MIN. 27 SEC. E A DISTANCE OF 1060.55 FEET TO A POINT, THENCE S 63 DEG. 38 MIN. 27 SEC. E A DISTANCE OF 261.00 FEET TO A POINT, THENCE S 59 DEG. 13 MIN. 25 SEC. E A DISTANCE OF 769.54 FEET TO A POINT, THENCE S 56 DEG. 37 MIN. 10 SEC. E A DISTANCE OF 1016.66 FEET TO A POINT, THENCE S 56 DEG. 51 MIN. 40 SEC. E A DISTANCE OF 1027.45 FEET TO A POINT, THENCE S 55 DEG. 35 MIN. 00 SEC. E A DISTANCE OF 51.83 FEET TO A POINT, THENCE N 34 DEG. 19 MIN. 25 SEC. E A DISTANCE OF 24.70 FEET TO A POINT, THENCE S 55 DEG. 32 MIN. 13 SEC. E A DISTANCE OF 955.81 FEET TO A POINT, THENCE S 36 DEG. 08 MIN. 38 SEC. W A DISTANCE OF 25.01 FEET TO A POINT, THENCE S 52 DEG. 10 MIN. 02 SEC. E A DISTANCE OF 1187.53 FEET TO A POINT, THENCE S 52 DEG. 20 MIN. 24 SEC. E A DISTANCE OF 949.44 FEET TO A POINT, THENCE S 50 DEG. 09 MIN. 07 SEC. E A DISTANCE OF 1034.47 FEET TO A POINT, THENCE S 48 DEG. 20 MIN. 33 SEC. E A DISTANCE OF 995.57 FEET TO A POINT, THENCE S 46 DEG. 51 MIN. 16 SEC. E A DISTANCE OF 992.54 FEET TO A POINT, THENCE S 46 DEG. 02 MIN. 31 SEC. E A DISTANCE OF 1010.53 FEET TO A POINT, THENCE S 45 DEG. 45 MIN. 57 SEC. E A DISTANCE OF 998.22 FEET TO A POINT, THENCE S 44 DEG. 20 MIN. 13 SEC. E A DISTANCE OF 1005.10 FEET TO A POINT, THENCE S 43 DEG. 09 MIN. 24 SEC. E A DISTANCE OF 935.59 FEET TO A POINT, THENCE S 42 DEG. 52 MIN. 00 SEC. E A DISTANCE OF 492.61 FEET TO A POINT, THENCE S 42 DEG. 52 MIN. 00

SEC. E TO THE INTERSECTION OF THE BAY-GULF COUNTY LINE, THENCE RUN NORTHERLY ALONG THE BAY-GULF COUNTY LINE TO A POINT LOCATED ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING THE TERMINUS POINT OF THE HEREIN DESCRIBED GENERAL PERMIT LINE. SEGMENT 9 (BAY COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.210 Escambia County.

The legal description for the Escambia County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded June 19, 1986 in "Plat book 13, Page 23, sheets A through O, inclusive", of the public records of Escambia County, Florida, said General Permit Line being more particularly described as follows:

COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 48-84-B17 AND RUN THENCE S 18 DEG. 12 MIN. 25 SEC. W A DISTANCE OF 605.80 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 79 DEG. 06 MIN. 05 SEC. E A DISTANCE OF 615.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 09 DEG. 44 MIN. 27 SEC. E A DISTANCE OF 101.78 FEET TO A POINT, THENCE N 79 DEG. 40 MIN. 33 SEC. E A DISTANCE OF 1977.20 FEET TO A POINT, THENCE S 10 DEG. 11 MIN. 35 SEC. E A DISTANCE OF 25.00 FEET TO A POINT, THENCE N 79 DEG. 23 MIN. 06 SEC. E A DISTANCE OF 1069.52 FEET TO A POINT, THENCE N 82 DEG. 23 MIN. 25 SEC. E A DISTANCE OF 853.09 FEET TO A POINT, THENCE N 80 DEG. 05 MIN. 29 SEC. E A DISTANCE OF 950.36 FEET TO A POINT, THENCE N 79 DEG. 25 MIN. 53 SEC. E A DISTANCE OF 1984.01 FEET TO A POINT, THENCE N 76 DEG. 37 MIN. 33 SEC. E A DISTANCE OF 944.05 FEET TO A POINT, THENCE N 79 DEG. 12 MIN. 36 SEC. E A DISTANCE OF 1013.13 FEET TO A POINT, THENCE N 79 DEG. 08 MIN. 06 SEC. E A DISTANCE OF 1693.07 FEET TO A POINT, THENCE N 08 DEG. 49 MIN. 00 SEC. W A DISTANCE OF 25.02 FEET TO A POINT, THENCE N 79 DEG. 01 MIN. 38 SEC. E A DISTANCE OF 200.66 FEET TO A POINT, THENCE N 79 DEG. 04 MIN. 30 SEC. E A DISTANCE OF 1122.57 FEET TO A POINT, THENCE N 78 DEG. 05 MIN. 53 SEC. E A DISTANCE OF 755.95 FEET TO A POINT, THENCE S 14 DEG. 16 MIN. 06 SEC. E A DISTANCE OF 25.02 FEET TO

A POINT, THENCE N 78 DEG. 05 MIN. 53 SEC. E A DISTANCE OF 175.73 FEET TO A POINT, THENCE N 78 DEG. 11 MIN. 47 SEC. E A DISTANCE OF 1018.19 FEET TO A POINT, THENCE N 78 DEG. 00 MIN. 31 SEC. E A DISTANCE OF 925.54 FEET TO A POINT, THENCE N 08 DEG. 40 MIN. 43 SEC. W A DISTANCE OF 143.47 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE.

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History--New _____.

62B-34.220 Franklin County.

The legal description for the Franklin County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded April 30, 1984 in the "CCCL Book", Pages 1 through 10, of the public records of Franklin County, Florida, said General Permit Line being more particularly described as follows:

COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 49-80-B12 AND RUN THENCE S 60 DEG. 51 MIN. 46 SEC. E A DISTANCE OF 369.12 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 64 DEG. 42 MIN. 53 SEC. E A DISTANCE OF 968.27 FEET TO A POINT, THENCE N 65 DEG. 22 MIN. 40 SEC. E A DISTANCE OF 1130.82 FEET TO A POINT, THENCE N 67 DEG. 33 MIN. 16 SEC. E A DISTANCE OF 530.25 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 22 DEG. 26 MIN. 46 SEC. E A DISTANCE OF 139.40 FEET TO A POINT, THENCE N 67 DEG. 19 MIN. 01 SEC. E A DISTANCE OF 585.74 FEET TO A POINT, THENCE N 67 DEG. 45 MIN. 25 SEC. E A DISTANCE OF 991.53 FEET TO A POINT, THENCE N 68 DEG. 31 MIN. 40 SEC. E A DISTANCE OF 1042.20 FEET TO A POINT, THENCE N 70 DEG. 38 MIN. 56 SEC. E A DISTANCE OF 1065.53 FEET TO A POINT, THENCE N 70 DEG. 07 MIN. 00 SEC. E A DISTANCE OF 1021.05 FEET TO A POINT, THENCE N 72 DEG. 04 MIN. 17 SEC. E A DISTANCE OF 1017.10 FEET TO A POINT, THENCE N 72 DEG. 38 MIN. 48 SEC. E A DISTANCE OF 1040.36 FEET TO A POINT, THENCE N 70 DEG. 42 MIN. 49 SEC. E A DISTANCE OF 980.46 FEET TO A POINT, THENCE N 72 DEG. 27 MIN. 48 SEC. E A DISTANCE OF 715.05 FEET TO A POINT, THENCE N 17 DEG. 36 MIN. 40 SEC. W A DISTANCE OF 126.20 FEET TO A POINT, SAID POINT BEING LOCATED ON THE

AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE.

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History--New _____.

62B-34.230 Gulf County.

The legal description for the Gulf County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded February 5, 1986 in the "Misc. Plat Book 1, Pp 12, Pages 1 through 13", of the public records of Gulf County, Florida, said General Permit Line being more particularly described as follows:

NORTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 46-76-A03 AND RUN THENCE N 46 DEG. 32 MIN. 52 SEC. E A DISTANCE OF 139.81 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 42 DEG. 20 MIN. 13 SEC. W TO THE GULF-BAY COUNTY LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE SOUTHERLY ALONG THE GULF-BAY COUNTY LINE TO A POINT, THENCE S 42 DEG. 38 MIN. 14 SEC. E TO A POINT, SAID POINT BEING S 42 DEG. 54 MIN. 32 SEC. E A DISTANCE OF 995.98 FEET FROM P.R.M. 46-76-A03, THENCE S 43 DEG. 03 MIN. 17 SEC. E A DISTANCE OF 1021.95 FEET TO A POINT, THENCE S 41 DEG. 33 MIN. 12 SEC. E A DISTANCE OF 1018.28 FEET TO A POINT, THENCE S 39 DEG. 58 MIN. 58 SEC. E A DISTANCE OF 1022.51 FEET TO A POINT, THENCE S 40 DEG. 11 MIN. 01 SEC. E A DISTANCE OF 1005.36 FEET TO A POINT, THENCE S 40 DEG. 09 MIN. 04 SEC. E A DISTANCE OF 986.56 FEET TO A POINT, THENCE S 39 DEG. 15 MIN. 27 SEC. E A DISTANCE OF 1020.99 FEET TO A POINT, THENCE S 39 DEG. 33 MIN. 44 SEC. E A DISTANCE OF 1016.62 FEET TO A POINT, THENCE S 39 DEG. 17 MIN. 50 SEC. E A DISTANCE OF 997.29 FEET TO A POINT, THENCE S 38 DEG. 26 MIN. 59 SEC. E A DISTANCE OF 1003.32 FEET TO A POINT, THENCE S 36 DEG. 26 MIN. 40 SEC. E A DISTANCE OF 977.19 FEET TO A POINT, THENCE S 35 DEG. 46 MIN. 08 SEC. E A DISTANCE OF 1000.45 FEET TO A POINT, THENCE S 36 DEG. 50 MIN. 13 SEC. E A DISTANCE OF 1004.02 FEET TO A POINT, THENCE S 32 DEG. 06 MIN. 44 SEC. E A DISTANCE OF 996.49 FEET TO A POINT, THENCE S 31 DEG. 11 MIN. 16 SEC. E A DISTANCE OF 911.37 FEET TO A POINT, THENCE N 58 DEG. 54 MIN. 17 SEC. E A DISTANCE OF 150.50 FEET TO A POINT, SAID POINT BEING LOCATED ON THE

AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE, NORTH SEGMENT (GULF COUNTY). SOUTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 51-83-B33 AND RUN THENCE S 10 DEG. 31 MIN. 17 SEC. E A DISTANCE OF 770.35 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 59 DEG. 08 MIN. 27 SEC. E A DISTANCE OF 1048.58 FEET TO A POINT, THENCE N 67 DEG. 01 MIN. 56 SEC. E A DISTANCE OF 998.66 FEET TO A POINT, THENCE N 66 DEG. 51 MIN. 52 SEC. E A DISTANCE OF 1037.78 FEET TO A POINT, THENCE N 71 DEG. 48 MIN. 29 SEC. E A DISTANCE OF 391.80 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 18 DEG. 11 MIN. 31 SEC. E A DISTANCE OF 73.43 FEET TO A POINT, THENCE N 71 DEG. 21 MIN. 19 SEC. E A DISTANCE OF 736.39 FEET TO A POINT, THENCE N 72 DEG. 33 MIN. 59 SEC. E A DISTANCE OF 939.41 FEET TO A POINT, THENCE N 76 DEG. 13 MIN. 16 SEC. E A DISTANCE OF 1001.91 FEET TO A POINT, THENCE N 77 DEG. 04 MIN. 17 SEC. E A DISTANCE OF 1072.96 FEET TO A POINT, THENCE N 78 DEG. 39 MIN. 10 SEC. E A DISTANCE OF 1069.79 FEET TO A POINT, THENCE N 80 DEG. 08 MIN. 04 SEC. E A DISTANCE OF 1009.83 FEET TO A POINT, THENCE N 82 DEG. 54 MIN. 01 SEC. E A DISTANCE OF 131.45 FEET TO A POINT, THENCE N 08 DEG. 10 MIN. 02 SEC. W A DISTANCE OF 102.82 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE, SOUTH SEGMENT (GULF COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.240 Brevard County.

The legal description for the Brevard County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded December 4, 1986 in "Survey Book 2A, Pages 29 through 42". Of the public records of Brevard County, Florida, said General Permit Line being more particularly described as follows: SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM)

70-80-A03 AND RUN THENCE S 45 DEG. 21 MIN. 31 SEC. W A DISTANCE OF 417.78 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 13 DEG. 23 MIN. 54 SEC. W A DISTANCE OF 387.82 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 76 DEG. 36 MIN. 06 SEC. E A DISTANCE OF 109.79 FEET TO A POINT, THENCE S 13 DEG. 27 MIN. 05 SEC. W A DISTANCE OF 487.57 FEET TO A POINT, THENCE S 13 DEG. 02 MIN. 37 SEC. W A DISTANCE OF 959.33 FEET TO A POINT, THENCE S 14 DEG. 18 MIN. 03 SEC. W A DISTANCE OF 939.49 FEET TO A POINT, THENCE S 13 DEG. 35 MIN. 24 SEC. W A DISTANCE OF 993.71 FEET TO A POINT, THENCE S 12 DEG. 29 MIN. 25 SEC. W A DISTANCE OF 966.67 FEET TO A POINT, THENCE S 12 DEG. 10 MIN. 05 SEC. W A DISTANCE OF 982.29 FEET TO A POINT, THENCE S 11 DEG. 27 MIN. 15 SEC. W A DISTANCE OF 934.49 FEET TO A POINT, THENCE S 10 DEG. 22 MIN. 30 SEC. W A DISTANCE OF 996.11 FEET TO A POINT, THENCE S 10 DEG. 28 MIN. 05 SEC. W A DISTANCE OF 1016.11 FEET TO A POINT, THENCE S 11 DEG. 14 MIN. 16 SEC. W A DISTANCE OF 957.15 FEET TO A POINT, THENCE S 09 DEG. 14 MIN. 47 SEC. W A DISTANCE OF 822.08 FEET TO A POINT, THENCE S 09 DEG. 09 MIN. 44 SEC. W A DISTANCE OF 989.25 FEET TO A POINT, THENCE S 08 DEG. 38 MIN. 28 SEC. W A DISTANCE OF 975.21 FEET TO A POINT, THENCE S 08 DEG. 29 MIN. 33 SEC. W A DISTANCE OF 1040.29 FEET TO A POINT, THENCE S 04 DEG. 39 MIN. 43 SEC. W A DISTANCE OF 885.87 FEET TO A POINT, THENCE S 06 DEG. 43 MIN. 56 SEC. W A DISTANCE OF 859.33 FEET TO A POINT, THENCE S 88 DEG. 00 MIN. 13 SEC. W A DISTANCE OF 103.03 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1, (BREVARD COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 70-80-A11 AND RUN THENCE S 83 DEG. 02 MIN. 01 SEC. E A DISTANCE OF 896.25 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 06 DEG. 40 MIN. 02 SEC. W A DISTANCE OF 772.90 FEET TO A POINT, THENCE S 03 DEG. 51 MIN. 42 SEC. W A DISTANCE OF 958.36 FEET TO A POINT, THENCE S 04 DEG. 33 MIN. 18 SEC. W A DISTANCE OF 969.56 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL

CONSTRUCTION CONTROL LINE RUN: THENCE N 87 DEG. 53 MIN. 19 SEC. E A DISTANCE OF 102.13 FEET TO A POINT, THENCE S 04 DEG. 14 MIN. 39 SEC. W A DISTANCE OF 1019.51 FEET TO A POINT, THENCE S 02 DEG. 34 MIN. 51 SEC. W A DISTANCE OF 973.06 FEET TO A POINT, THENCE S 01 DEG. 26 MIN. 40 SEC. W A DISTANCE OF 991.81 FEET TO A POINT, THENCE S 02 DEG. 37 MIN. 31 SEC. W A DISTANCE OF 971.62 FEET TO A POINT, THENCE S 00 DEG. 57 MIN. 37 SEC. W A DISTANCE OF 805.57 FEET TO A POINT, THENCE S 02 DEG. 46 MIN. 56 SEC. W A DISTANCE OF 930.29 FEET TO A POINT, THENCE S 01 DEG. 08 MIN. 08 SEC. W A DISTANCE OF 905.31 FEET TO A POINT, THENCE S 00 DEG. 17 MIN. 50 SEC. E A DISTANCE OF 877.53 FEET TO A POINT, THENCE S 00 DEG. 07 MIN. 52 SEC. W A DISTANCE OF 1075.89 FEET TO A POINT, THENCE S 02 DEG. 03 MIN. 20 SEC. E A DISTANCE OF 1007.95 FEET TO A POINT, THENCE S 01 DEG. 21 MIN. 38 SEC. E A DISTANCE OF 941.70 FEET TO A POINT, THENCE S 01 DEG. 37 MIN. 42 SEC. E A DISTANCE OF 954.02 FEET TO A POINT, THENCE S 02 DEG. 51 MIN. 53 SEC. E A DISTANCE OF 998.51 FEET TO A POINT, THENCE S 01 DEG. 54 MIN. 19 SEC. E A DISTANCE OF 962.35 FEET TO A POINT, THENCE S 01 DEG. 02 MIN. 45 SEC. E A DISTANCE OF 987.45 FEET TO A POINT, THENCE S 02 DEG. 30 MIN. 44 SEC. E A DISTANCE OF 991.91 FEET TO A POINT, THENCE S 02 DEG. 01 MIN. 51 SEC. E A DISTANCE OF 960.29 FEET TO A POINT, THENCE S 06 DEG. 17 MIN. 00 SEC. E A DISTANCE OF 1000.77 FEET TO A POINT, THENCE S 03 DEG. 13 MIN. 38 SEC. E A DISTANCE OF 940.96 FEET TO A POINT, THENCE S 03 DEG. 53 MIN. 15 SEC. E A DISTANCE OF 1028.50 FEET TO A POINT, THENCE S 04 DEG. 00 MIN. 36 SEC. E A DISTANCE OF 954.23 FEET TO A POINT, THENCE S 05 DEG. 14 MIN. 43 SEC. E A DISTANCE OF 912.64 FEET TO A POINT, THENCE S 03 DEG. 09 MIN. 48 SEC. E A DISTANCE OF 945.63 FEET TO A POINT, THENCE S 03 DEG. 56 MIN. 01 SEC. E A DISTANCE OF 720.06 FEET TO A POINT, THENCE S 86 DEG. 12 MIN. 00 SEC. W A DISTANCE OF 116.31 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2, (BREVARD COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 70-80-A25 AND RUN THENCE N 7 DEG. 29 MIN. 47 SEC. W A DISTANCE OF 315.43 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 06 DEG. 55 MIN. 12 SEC. E A DISTANCE OF 369.26 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING

OF THE HEREIN DESCRIBED GENERAL PERMIT LINE: THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 89 DEG. 49 MIN. 38 SEC. E A DISTANCE OF 231.16 FEET TO A POINT, THENCE S 06 DEG. 51 MIN. 31 SEC. E A DISTANCE OF 635.87 FEET TO A POINT, THENCE S 06 DEG. 53 MIN. 49 SEC. E A DISTANCE OF 847.78 FEET TO A POINT, THENCE S 08 DEG. 04 MIN. 36 SEC. E A DISTANCE OF 1007.33 FEET TO A POINT, THENCE S 07 DEG. 06 MIN. 16 SEC. E A DISTANCE OF 994.76 FEET TO A POINT, THENCE S 08 DEG. 21 MIN. 20 SEC. E A DISTANCE OF 1021.59 FEET TO A POINT, THENCE S 09 DEG. 41 MIN. 11 SEC. E A DISTANCE OF 877.69 FEET TO A POINT, THENCE N 88 DEG. 44 MIN. 33 SEC. W A DISTANCE OF 169.16 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3, (BREVARD COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) JLR 532 1965 AND RUN THENCE S 11 DEG. 46 MIN. 12 SEC. E A DISTANCE OF 147.49 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 11 DEG. 40 MIN. 10 SEC. E A DISTANCE OF 994.27 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 81 DEG. 10 MIN. 36 SEC. E A DISTANCE OF 177.55 FEET TO A POINT, THENCE S 11 DEG. 56 MIN. 40 SEC. E A DISTANCE OF 734.60 FEET TO A POINT, THENCE S 12 DEG. 29 MIN. 40 SEC. E A DISTANCE OF 991.72 FEET TO A POINT, THENCE S 13 DEG. 29 MIN. 36 SEC. E A DISTANCE OF 872.88 FEET TO A POINT, THENCE S 12 DEG. 28 MIN. 50 SEC. E A DISTANCE OF 1134.17 FEET TO A POINT, THENCE S 12 DEG. 54 MIN. 39 SEC. E A DISTANCE OF 886.13 FEET TO A POINT, THENCE S 10 DEG. 49 MIN. 39 SEC. E A DISTANCE OF 623.18 FEET TO A POINT, THENCE S 11 DEG. 56 MIN. 22 SEC. E A DISTANCE OF 893.94 FEET TO A POINT, THENCE S 13 DEG. 44 MIN. 06 SEC. E A DISTANCE OF 893.98 FEET TO A POINT, THENCE S 13 DEG. 32 MIN. 12 SEC. E A DISTANCE OF 997.00 FEET TO A POINT, THENCE S 12 DEG. 44 MIN. 09 SEC. E A DISTANCE OF 997.21 FEET TO A POINT, THENCE S 15 DEG. 14 MIN. 04 SEC. E A DISTANCE OF 772.10 FEET TO A POINT, THENCE S 12 DEG. 21 MIN. 24 SEC. E A DISTANCE OF 940.77 FEET TO A POINT, THENCE S 13 DEG. 18 MIN. 47 SEC. E A DISTANCE OF 931.99 FEET TO A POINT, THENCE S 12 DEG. 45 MIN. 23 SEC. E A DISTANCE OF 1002.85 FEET TO A POINT, THENCE S 11

DEG. 57 MIN. 54 SEC. E A DISTANCE OF 960.21 FEET TO A POINT, THENCE S 12 DEG. 40 MIN. 04 SEC. E A DISTANCE OF 994.45 FEET TO A POINT, THENCE S 12 DEG. 59 MIN. 52 SEC. E A DISTANCE OF 997.53 FEET TO A POINT, THENCE S 12 DEG. 47 MIN. 56 SEC. E A DISTANCE OF 977.41 FEET TO A POINT, THENCE S 14 DEG. 09 MIN. 22 SEC. E A DISTANCE OF 998.28 FEET TO A POINT, THENCE S 13 DEG. 45 MIN. 37 SEC. E A DISTANCE OF 902.76 FEET TO A POINT, THENCE S 13 DEG. 10 MIN. 13 SEC. E A DISTANCE OF 672.64 FEET TO A POINT, THENCE S 13 DEG. 16 MIN. 32 SEC. E A DISTANCE OF 1297.01 FEET TO A POINT, THENCE S 13 DEG. 24 MIN. 57 SEC. E A DISTANCE OF 955.41 FEET TO A POINT, THENCE S 13 DEG. 30 MIN. 32 SEC. E A DISTANCE OF 917.03 FEET TO A POINT, THENCE S 14 DEG. 20 MIN. 06 SEC. E A DISTANCE OF 2082.05 FEET TO A POINT, THENCE S 14 DEG. 33 MIN. 34 SEC. E A DISTANCE OF 836.12 FEET TO A POINT, THENCE S 13 DEG. 13 MIN. 37 SEC. E A DISTANCE OF 1017.14 FEET TO A POINT, THENCE S 15 DEG. 43 MIN. 05 SEC. E A DISTANCE OF 894.60 FEET TO A POINT, THENCE S 15 DEG. 38 MIN. 40 SEC. E A DISTANCE OF 897.43 FEET TO A POINT, THENCE S 15 DEG. 09 MIN. 50 SEC. E A DISTANCE OF 1146.42 FEET TO A POINT, THENCE S 15 DEG. 17 MIN. 23 SEC. E A DISTANCE OF 753.36 FEET TO A POINT, THENCE S 16 DEG. 02 MIN. 49 SEC. E A DISTANCE OF 939.80 FEET TO A POINT, THENCE S 16 DEG. 13 MIN. 34 SEC. E A DISTANCE OF 970.24 FEET TO A POINT, THENCE S 16 DEG. 04 MIN. 07 SEC. E A DISTANCE OF 964.56 FEET TO A POINT, THENCE S 16 DEG. 38 MIN. 52 SEC. E A DISTANCE OF 910.01 FEET TO A POINT, THENCE S 17 DEG. 15 MIN. 38 SEC. E A DISTANCE OF 1055.90 FEET TO A POINT, THENCE S 17 DEG. 08 MIN. 21 SEC. E A DISTANCE OF 834.76 FEET TO A POINT, THENCE S 16 DEG. 09 MIN. 04 SEC. E A DISTANCE OF 945.26 FEET TO A POINT, THENCE S 16 DEG. 45 MIN. 15 SEC. E A DISTANCE OF 1020.29 FEET TO A POINT, THENCE S 17 DEG. 36 MIN. 43 SEC. E A DISTANCE OF 996.32 FEET TO A POINT, THENCE S 18 DEG. 18 MIN. 38 SEC. E A DISTANCE OF 994.26 FEET TO A POINT, THENCE S 18 DEG. 39 MIN. 27 SEC. E A DISTANCE OF 841.17 FEET TO A POINT, THENCE S 19 DEG. 33 MIN. 53 SEC. E A DISTANCE OF 843.76 FEET TO A POINT, THENCE S 19 DEG. 33 MIN. 15 SEC. E A DISTANCE OF 1067.27 FEET TO A POINT, THENCE S 19 DEG. 26 MIN. 58 SEC. E A DISTANCE OF 984.44 FEET TO A POINT, THENCE S 20 DEG. 08 MIN. 16 SEC. E A DISTANCE OF 895.95 FEET TO A POINT, THENCE S 20 DEG. 13 MIN. 41 SEC. E A DISTANCE OF 780.98 FEET TO A POINT, THENCE S 21 DEG. 55 MIN. 34 SEC. E A DISTANCE OF 1096.69 FEET TO A POINT, THENCE S 21 DEG. 09 MIN. 03 SEC. E A DISTANCE OF 1031.42 FEET TO A POINT, THENCE S 21 DEG. 26 MIN. 16 SEC. E A DISTANCE OF 968.97 FEET TO A POINT, THENCE S 21

DEG. 45 MIN. 15 SEC. E A DISTANCE OF 1009.44 FEET TO A POINT, THENCE S 22 DEG. 09 MIN. 00 SEC. E A DISTANCE OF 734.96 FEET TO A POINT, THENCE S 22 DEG. 23 MIN. 01 SEC. E A DISTANCE OF 1175.38 FEET TO A POINT, THENCE S 22 DEG. 23 MIN. 17 SEC. E A DISTANCE OF 1117.72 FEET TO A POINT, THENCE S 21 DEG. 23 MIN. 29 SEC. E A DISTANCE OF 756.24 FEET TO A POINT, THENCE S 22 DEG. 13 MIN. 08 SEC. E A DISTANCE OF 1021.45 FEET TO A POINT, THENCE S 21 DEG. 05 MIN. 15 SEC. E A DISTANCE OF 777.41 FEET TO A POINT, THENCE S 22 DEG. 17 MIN. 09 SEC. E A DISTANCE OF 987.92 FEET TO A POINT, THENCE S 23 DEG. 20 MIN. 12 SEC. E A DISTANCE OF 947.71 FEET TO A POINT, THENCE S 23 DEG. 08 MIN. 38 SEC. E A DISTANCE OF 875.26 FEET TO A POINT, THENCE S 22 DEG. 43 MIN. 21 SEC. E A DISTANCE OF 992.73 FEET TO A POINT, THENCE S 25 DEG. 32 MIN. 02 SEC. E A DISTANCE OF 985.76 FEET TO A POINT, THENCE S 23 DEG. 28 MIN. 01 SEC. E A DISTANCE OF 1127.34 FEET TO A POINT, THENCE S 67 DEG. 35 MIN. 10 SEC. W A DISTANCE OF 163.53 FEET TO A POINT, CCCL SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4, (BREVARD COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 70 80 A51 AND RUN THENCE S 24 DEG. 18 MIN. 54 SEC. E A DISTANCE OF 198.46 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 24 DEG. 04 MIN. 50 SEC. E A DISTANCE OF 1222.67 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 67 DEG. 34 MIN. 58 SEC. E A DISTANCE OF 144.60 FEET TO A POINT, THENCE S 23 DEG. 40 MIN. 52 SEC. E A DISTANCE OF 956.48 FEET TO A POINT, THENCE S 24 DEG. 06 MIN. 12 SEC. E A DISTANCE OF 1150.53 FEET TO A POINT, THENCE S 24 DEG. 45 MIN. 16 SEC. E A DISTANCE OF 825.97 FEET TO A POINT, THENCE S 24 DEG. 38 MIN. 04 SEC. E A DISTANCE OF 1021.71 FEET TO A POINT, THENCE S 23 DEG. 46 MIN. 56 SEC. E A DISTANCE OF 941.31 FEET TO A POINT, THENCE S 24 DEG. 49 MIN. 21 SEC. E A DISTANCE OF 1006.33 FEET TO A POINT, THENCE S 25 DEG. 34 MIN. 05 SEC. E A DISTANCE OF 1025.52 FEET TO A POINT, THENCE S 25 DEG. 37 MIN. 51 SEC. E A DISTANCE OF 924.78 FEET TO A POINT, THENCE S 25 DEG. 50 MIN. 35 SEC. E A DISTANCE OF 918.63 FEET TO A POINT, THENCE S 27 DEG. 20 MIN. 29 SEC. E A DISTANCE OF 1050.72 FEET TO A POINT,

THENCE S 27 DEG. 34 MIN. 00 SEC. E A DISTANCE OF 989.36 FEET TO A POINT, THENCE S 27 DEG. 32 MIN. 31 SEC. E A DISTANCE OF 205.85 FEET TO A POINT, THENCE S 61 DEG. 56 MIN. 17 SEC. W A DISTANCE OF 153.27 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 5. (BREVARD COUNTY) SEGMENT 6: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 70-80-A57 AND RUN THENCE S 44 DEG. 16 MIN. 12 SEC. E A DISTANCE OF 460.11 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 26 DEG. 41 MIN. 30 SEC. W A DISTANCE OF 1060.95 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 70 DEG. 40 MIN. 25 SEC. E A DISTANCE OF 154.10 FEET TO A POINT, THENCE S 26 DEG. 30 MIN. 35 SEC. E A DISTANCE OF 1037.46 FEET TO A POINT, THENCE S 25 DEG. 37 MIN. 15 SEC. E A DISTANCE OF 926.75 FEET TO A POINT, THENCE S 25 DEG. 53 MIN. 18 SEC. E A DISTANCE OF 922.93 FEET TO A POINT, THENCE S 25 DEG. 38 MIN. 53 SEC. E A DISTANCE OF 1061.18 FEET TO A POINT, THENCE S 26 DEG. 16 MIN. 7 SEC. E A DISTANCE OF 995.69 FEET TO A POINT, THENCE S 26 DEG. 18 MIN. 29 SEC. E A DISTANCE OF 1019.75 FEET TO A POINT, THENCE S 27 DEG. 39 MIN. 0 SEC. E A DISTANCE OF 704.20 FEET TO A POINT, THENCE S 26 DEG. 45 MIN. 41 SEC. E A DISTANCE OF 940.50 FEET TO A POINT, THENCE S 26 DEG. 42 MIN. 13 SEC. E A DISTANCE OF 982.49 FEET TO A POINT, THENCE S 27 DEG. 22 MIN. 50 SEC. E A DISTANCE OF 1026.15 FEET TO A POINT, THENCE S 25 DEG. 59 MIN. 8 SEC. E A DISTANCE OF 944.95 FEET TO A POINT, THENCE S 27 DEG. 34 MIN. 14 SEC. E A DISTANCE OF 995.75 FEET TO A POINT, THENCE S 27 DEG. 36 MIN. 38 SEC. E A DISTANCE OF 1039.09 FEET TO A POINT, THENCE S 27 DEG. 17 MIN. 58 SEC. E A DISTANCE OF 982.87 FEET TO A POINT, THENCE S 27 DEG. 28 MIN. 37 SEC. E A DISTANCE OF 979.11 FEET TO A POINT, THENCE S 27 DEG. 7 MIN. 1 SEC. E A DISTANCE OF 1014.91 FEET TO A POINT, THENCE S 27 DEG. 39 MIN. 37 SEC. E A DISTANCE OF 1016.40 FEET TO A POINT, THENCE S 28 DEG. 4 MIN. 55 SEC. E A DISTANCE OF 1062.69 FEET TO A POINT, THENCE S 27 DEG. 17 MIN. 11 SEC. E A DISTANCE OF 863.69 FEET TO A POINT, THENCE S 28 DEG. 21 MIN. 20 SEC. E A DISTANCE OF 1100.18 FEET TO A POINT, THENCE S 28 DEG. 30 MIN. 50 SEC. E A DISTANCE OF 604.49 FEET TO

A POINT, THENCE S 61 DEG. 43 MIN. 21 SEC. W A DISTANCE OF 176.33 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 6. (BREVARD COUNTY). SEGMENT 7: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 70-80-A63 AND RUN THENCE S 50 DEG. 16 MIN. 08 SEC. E A DISTANCE OF 377.45 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 28 DEG. 05 MIN. 09 SEC. W A DISTANCE OF 701.63 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 61 DEG. 54 MIN. 51 SEC. E A DISTANCE OF 142.58 FEET TO A POINT, THENCE S 27 DEG. 33 MIN. 51 SEC. E A DISTANCE OF 677.26 FEET TO A POINT, THENCE S 27 DEG. 20 MIN. 59 SEC. E A DISTANCE OF 1021.50 FEET TO A POINT, THENCE S 27 DEG. 37 MIN. 10 SEC. E A DISTANCE OF 984.19 FEET TO A POINT, THENCE S 26 DEG. 26 MIN. 50 SEC. E A DISTANCE OF 1009.82 FEET TO A POINT, THENCE S 26 DEG. 50 MIN. 27 SEC. E A DISTANCE OF 936.55 FEET TO A POINT, THENCE S 26 DEG. 53 MIN. 48 SEC. E A DISTANCE OF 1123.70 FEET TO A POINT, THENCE S 25 DEG. 19 MIN. 44 SEC. E A DISTANCE OF 1033.42 FEET TO A POINT, THENCE S 27 DEG. 10 MIN. 35 SEC. E A DISTANCE OF 614.61 FEET TO A POINT, THENCE S 26 DEG. 21 MIN. 43 SEC. E A DISTANCE OF 604.47 FEET TO A POINT, THENCE S 68 DEG. 27 MIN. 29 SEC. W A DISTANCE OF 145.33 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 7. (BREVARD COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.250 Indian River County.

The legal description for the Indian River County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded March 5, 1987 in "Plat Book 12, pages 32 through 32H" of the public records of Indian River County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 88-78-A06 AND RUN THENCE S 76 DEG. 45 MIN. 35 SEC. E A DISTANCE OF 174.25 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 26 DEG. 04 MIN. 41 SEC. E A DISTANCE OF 312.85 FEET TO A POINT SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 63 DEG. 55 MIN. 19 SEC. E A DISTANCE OF 54.05 FEET TO A POINT, THENCE S 25 DEG. 33 MIN. 52 SEC. E A DISTANCE OF 501.02 FEET TO A POINT, THENCE S 24 DEG. 53 MIN. 45 SEC. E A DISTANCE OF 998.91 FEET TO A POINT, THENCE S 25 DEG. 15 MIN. 38 SEC. E A DISTANCE OF 987.87 FEET TO A POINT, THENCE S 24 DEG. 05 MIN. 55 SEC. E A DISTANCE OF 973.78 FEET TO A POINT, THENCE S 23 DEG. 38 MIN. 48 SEC. E A DISTANCE OF 1012.33 FEET TO A POINT, THENCE S 24 DEG. 38 MIN. 11 SEC. E A DISTANCE OF 915.92 FEET TO A POINT, THENCE S 44 DEG. 18 MIN. 56 SEC. W A DISTANCE OF 86.84 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1, (INDIAN RIVER COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 88-78-A15 AND RUN THENCE N 76 DEG. 54 MIN. 42 SEC. E A DISTANCE OF 265.38 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 20 DEG. 16 MIN. 31 SEC. E A DISTANCE OF 1033.97 FEET TO A POINT, THENCE S 20 DEG. 26 MIN. 25 SEC. E A DISTANCE OF 342.99 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 69 DEG. 33 MIN 36 SEC. E A DISTANCE OF 90.16 FEET TO A POINT, THENCE S 19 DEG. 49 MIN. 20 SEC. E A DISTANCE OF 676.02 FEET TO POINT, THENCE S 18 DEG. 10 MIN. 30 SEC. E A DISTANCE OF 983.64 FEET TO A POINT THENCE S 17 DEG. 12 MIN. 18 SEC. E A DISTANCE OF 1036.45 FEET TO A POINT, THENCE S 11 DEG. 32 MIN. 42 SEC. E A DISTANCE OF 1006.61 FEET TO A POINT, THENCE S 13 DEG. 14 MIN. 48 SEC. E A DISTANCE OF 971.92 FEET TO A POINT, THENCE S 15 DEG. 31 MIN. 11 SEC. E A DISTANCE OF 997.22 FEET TO A POINT, THENCE S 17 DEG. 48 MIN. 15 SEC. E A DISTANCE OF 928.23 FEET TO

A POINT, THENCE S 14 DEG. 37 MIN. 08 SEC. E A DISTANCE OF 985.71 FEET TO A POINT, THENCE S 15 DEG. 06 MIN. 52 SEC. E A DISTANCE OF 991.77 FEET TO A POINT, THENCE S 18 DEG. 50 MIN. 41 SEC. E A DISTANCE OF 1159.82 FEET TO A POINT, THENCE S 21 DEG. 18 MIN. 22 SEC. E A DISTANCE OF 961.40 FEET TO A POINT, THENCE S 16 DEG. 51 MIN. 46 SEC. E A DISTANCE OF 1002.21 FEET TO A POINT, THENCE S 15 DEG. 36 MIN. 30 SEC. E A DISTANCE OF 982.26 FEET TO A POINT, THENCE S 16 DEG. 08 MIN. 21 SEC. E A DISTANCE OF 1103.92 FEET TO A POINT, THENCE S 18 DEG. 46 MIN. 40 SEC. E A DISTANCE OF 495.74 FEET TO A POINT, THENCE S 18 DEG. 46 MIN. 40 SEC. E A DISTANCE OF 436.34 FEET TO A POINT, THENCE S 18 DEG. 02 MIN. 41 SEC. E A DISTANCE OF 1026.61 FEET TO A POINT, THENCE S 19 DEG. 48 MIN. 40 SEC. E A DISTANCE OF 922.91 FEET TO A POINT, THENCE S 17 DEG. 48 MIN. 27 SEC. E A DISTANCE OF 979.34 FEET TO A POINT, THENCE S 19 DEG. 18 MIN. 16 SEC. E A DISTANCE OF 1138.25 FEET TO A POINT, THENCE S 19 DEG. 53 MIN. 42 SEC. E A DISTANCE OF 1031.58 FEET TO A POINT, THENCE S 13 DEG. 54 MIN. 00 SEC. E A DISTANCE OF 1102.98 FEET TO A POINT, THENCE S 12 DEG. 01 MIN. 21 SEC. E A DISTANCE OF 986.38 FEET TO A POINT, THENCE S 16 DEG. 22 MIN. 57 SEC. E A DISTANCE OF 942.41 FEET TO A POINT, THENCE S 15 DEG. 32 MIN. 29 SEC. E A DISTANCE OF 1066.92 FEET TO A POINT, THENCE S 14 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 649.06 FEET TO A POINT, THENCE N 78 DEG. 46 MIN. 28 SEC. E A DISTANCE OF 25.38 FEET TO A POINT, THENCE S 14 DEG. 43 MIN. 58 SEC. E A DISTANCE OF 500.19 FEET TO A POINT, THENCE S 17 DEG. 39 MIN. 15 SEC. E A DISTANCE OF 888.60 FEET TO A POINT, THENCE S 18 DEG. 14 MIN. 52 SEC. E A DISTANCE OF 992.95 FEET TO A POINT, THENCE S 10 DEG. 21 MIN. 07 SEC. E A DISTANCE OF 1029.75 FEET TO A POINT, THENCE S 11 DEG. 50 MIN. 19 SEC. E A DISTANCE OF 936.75 FEET TO A POINT, THENCE S 18 DEG. 13 MIN. 27 SEC. E A DISTANCE OF 1183.42 FEET TO A POINT, THENCE S 16 DEG. 41 MIN. 16 SEC. E A DISTANCE OF 892.59 FEET TO A POINT, THENCE S 14 DEG. 20 MIN. 12 SEC. E A DISTANCE OF 979.55 FEET TO A POINT, THENCE S 15 DEG. 00 MIN. 01 SEC. E A DISTANCE OF 947.30 FEET TO A POINT, THENCE S 14 DEG. 32 MIN. 48 SEC. E A DISTANCE OF 1138.23 FEET TO A POINT, THENCE S 15 DEG. 52 MIN. 55 SEC. E A DISTANCE OF 812.58 FEET TO A POINT, THENCE S 15 DEG. 34 MIN. 51 SEC. E A DISTANCE OF 994.58 FEET TO A POINT, THENCE N 89 DEG. 52 MIN. 39 SEC. W A DISTANCE OF 115.31 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2

(INDIAN RIVER COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 88-86-A28-2 AND RUN THENCE N 77 DEG. 44 MIN. 17 SEC. E A DISTANCE OF 1559.34 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 13 DEG. 41 MIN. 53 SEC. E A DISTANCE OF 32.87 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 80 DEG. 50 MIN. 54 SEC. E A DISTANCE OF 83.63 FEET TO A POINT, THENCE S 12 DEG. 56 MIN. 35 SEC. E A DISTANCE OF 928.70 FEET TO A POINT, THENCE S 16 DEG. 58 MIN. 05 SEC. E A DISTANCE OF 1078.52 FEET TO A POINT, THENCE S 20 DEG. 42 MIN. 52 SEC. E A DISTANCE OF 974.91 FEET TO A POINT, THENCE S 22 DEG. 33 MIN. 49 SEC. E A DISTANCE OF 1033.31 FEET TO A POINT, THENCE S 24 DEG. 18 MIN. 55 SEC. E A DISTANCE OF 974.49 FEET TO A POINT, THENCE S 28 DEG. 01 MIN. 09 SEC. E A DISTANCE OF 963.61 FEET TO A POINT, THENCE S 33 DEG. 41 MIN. 27 SEC. E A DISTANCE OF 392.17 FEET TO A POINT, THENCE S 58 DEG. 16 MIN. 27 SEC. W A DISTANCE OF 99.85 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3 (INDIAN RIVER COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) 88-78-A37 AND RUN THENCE N 85 DEG. 07 MIN. 00 SEC. E A DISTANCE OF 743.08 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 88 DEG. 00 MIN. 52 SEC. E A DISTANCE OF 196.88 FEET TO A POINT, THENCE S 10 DEG. 44 MIN. 51 SEC. E A DISTANCE OF 1020.90 FEET TO A POINT, THENCE S 11 DEG. 09 MIN. 24 SEC. E A DISTANCE OF 964.88 FEET TO A POINT, THENCE S 09 DEG. 20 MIN. 49 SEC. E A DISTANCE OF 1172.84 FEET TO A POINT, THENCE S 10 DEG. 52 MIN. 29 SEC. E A DISTANCE OF 698.61 FEET TO A POINT, THENCE S 11 DEG. 21 MIN. 40 SEC. E A DISTANCE OF 1324.00 FEET TO A POINT, THENCE S 14 DEG. 21 MIN. 44 SEC. E A DISTANCE OF 413.41 FEET TO A POINT, THENCE S 89 DEG. 07 MIN. 41 SEC. W A DISTANCE OF 200.12 FEET TO A POINT, SAID POINT BEING LOCATED ON THE

AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4 (INDIAN RIVER COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History--New _____.

62B-34.260 Martin County.

The legal description for the Martin County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded July 9, 1985 in "Plat Book 9, Page 99" of the public records of Martin County, Florida, said General Permit Line being more particularly described as follows:

NORTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES [DNR]) PERMANENT REFERENCE MONUMENT (PRM) MI 103 1984 AND RUN THENCE N 73 DEG. 11 MIN. 19 SEC. E A DISTANCE OF 93.65 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 26 DEG. 12 MIN. 17 SEC. W A DISTANCE OF 163.34 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 63 DEG. 47 MIN. 43 SEC. E A DISTANCE OF 56.13 FEET TO A POINT, THENCE S 26 DEG. 36 MIN. 56 SEC. E A DISTANCE OF 512.75 FEET TO A POINT, THENCE S 26 DEG. 16 MIN. 27 SEC. E A DISTANCE OF 900.38 FEET TO A POINT, THENCE S 26 DEG. 12 MIN. 11 SEC. E A DISTANCE OF 899.83 FEET TO A POINT, THENCE S 27 DEG. 35 MIN. 10 SEC. E A DISTANCE OF 368.21 FEET TO A POINT, THENCE S 26 DEG. 45 MIN. 04 SEC. E A DISTANCE OF 568.86 FEET TO A POINT, THENCE S 26 DEG. 51 MIN. 35 SEC. E A DISTANCE OF 838.68 FEET TO A POINT, THENCE S 26 DEG. 19 MIN. 52 SEC. E A DISTANCE OF 935.81 FEET TO A POINT, THENCE S 25 DEG. 33 MIN. 48 SEC. E A DISTANCE OF 917.00 FEET TO A POINT, THENCE S 27 DEG. 13 MIN. 42 SEC. E A DISTANCE OF 910.22 FEET TO A POINT, THENCE S 24 DEG. 43 MIN. 27 SEC. E A DISTANCE OF 906.48 FEET TO A POINT, THENCE S 27 DEG. 14 MIN. 37 SEC. E A DISTANCE OF 894.50 FEET TO A POINT, THENCE S 29 DEG. 37 MIN. 07 SEC. E A DISTANCE OF 911.52 FEET TO A POINT, THENCE S 27 DEG. 37 MIN. 40 SEC. E A DISTANCE OF 897.62 FEET TO A POINT, THENCE S 28 DEG. 23 MIN. 02 SEC. E A DISTANCE OF 887.47 FEET TO A POINT, THENCE S 28 DEG. 55 MIN. 59 SEC. E A DISTANCE OF 555.31 FEET TO A POINT, THENCE S 59 DEG. 34 MIN. 47 SEC. W A DISTANCE OF 78.15 FEET TO A POINT, SAID POINT

BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE NORTH SEGMENT (MARTIN COUNTY). SOUTH SEGMENT: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (IDNR)) PERMANENT REFERENCE MONUMENT (PRM) 89-84-A01 AND RUN THENCE S 57 DEG. 09 MIN. 10 SEC. W A DISTANCE OF 233.10 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 30 DEG. 23 MIN. 10 SEC. E A DISTANCE OF 405.49 FEET TO A POINT, THENCE S 29 DEG. 15 MIN. 40 SEC. E A DISTANCE OF 267.55 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 60 DEG. 44 MIN. 18 SEC. E A DISTANCE OF 168.35 FEET TO A POINT, THENCE S 28 DEG. 32 MIN. 51 SEC. E A DISTANCE OF 674.90 FEET TO A POINT, THENCE S 28 DEG. 24 MIN. 5 SEC. E A DISTANCE OF 899.88 FEET TO A POINT, THENCE S 27 DEG. 42 MIN. 26 SEC. E A DISTANCE OF 904.63 FEET TO A POINT, THENCE S 27 DEG. 34 MIN. 31 SEC. E A DISTANCE OF 904.87 FEET TO A POINT, THENCE S 26 DEG. 51 MIN. 43 SEC. E A DISTANCE OF 902.79 FEET TO A POINT, THENCE S 24 DEG. 34 MIN. 25 SEC. E A DISTANCE OF 898.99 FEET TO A POINT, THENCE S 20 DEG. 35 MIN. 37 SEC. E A DISTANCE OF 1138.67 FEET TO A POINT, THENCE S 19 DEG. 43 MIN. 1 SEC. E A DISTANCE OF 743.84 FEET TO A POINT, THENCE S 15 DEG. 46 MIN. 38 SEC. E A DISTANCE OF 1089.05 FEET TO A POINT, THENCE S 20 DEG. 51 MIN. 38 SEC. E A DISTANCE OF 638.63 FEET TO A POINT, THENCE S 28 DEG. 59 MIN. 8 SEC. E A DISTANCE OF 793.67 FEET TO A POINT, THENCE S 25 DEG. 19 MIN. 47 SEC. E A DISTANCE OF 1017.71 FEET TO A POINT, THENCE S 25 DEG. 25 MIN. 56 SEC. E A DISTANCE OF 971.04 FEET TO A POINT, THENCE S 24 DEG. 5 MIN. 38 SEC. E A DISTANCE OF 430.42 FEET TO A POINT, THENCE S 68 DEG. 59 MIN. 58 SEC. W A DISTANCE OF 24.91 FEET TO A POINT, THENCE S 23 DEG. 56 MIN. 50 SEC. E A DISTANCE OF 401.75 FEET TO A POINT, THENCE S 24 DEG. 15 MIN. 43 SEC. E A DISTANCE OF 886.51 FEET TO A POINT, THENCE S 21 DEG. 47 MIN. 12 SEC. E A DISTANCE OF 897.61 FEET TO A POINT, THENCE S 20 DEG. 33 MIN. 11 SEC. E A DISTANCE OF 896.17 FEET TO A POINT, THENCE S 20 DEG. 54 MIN. 47 SEC. E A DISTANCE OF 901.65 FEET TO A POINT, THENCE S 19 DEG. 59 MIN. 56 SEC. E A DISTANCE OF 869.39 FEET TO A POINT, THENCE S 20 DEG. 46 MIN. 14 SEC. E A DISTANCE OF 1097.90 FEET TO A POINT, THENCE S 22 DEG. 37 MIN. 10 SEC. E A DISTANCE OF 698.89 FEET TO

A POINT, THENCE S 21 DEG. 14 MIN. 23 SEC. E A DISTANCE OF 900.82 FEET TO A POINT, THENCE S 23 DEG. 3 MIN. 7 SEC. E A DISTANCE OF 1144.10 FEET TO A POINT, THENCE S 21 DEG. 52 MIN. 1 SEC. E A DISTANCE OF 795.52 FEET TO A POINT, THENCE S 23 DEG. 9 MIN. 24 SEC. E A DISTANCE OF 888.84 FEET TO A POINT, THENCE S 21 DEG. 0 MIN. 34 SEC. E A DISTANCE OF 890.24 FEET TO A POINT, THENCE S 19 DEG. 26 MIN. 54 SEC. E A DISTANCE OF 883.24 FEET TO A POINT, THENCE S 18 DEG. 58 MIN. 39 SEC. E A DISTANCE OF 896.21 FEET TO A POINT, THENCE S 17 DEG. 42 MIN. 7 SEC. E A DISTANCE OF 517.06 FEET TO A POINT, THENCE S 17 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 402.34 FEET TO A POINT, THENCE S 18 DEG. 31 MIN. 37 SEC. E A DISTANCE OF 851.10 FEET TO A POINT, THENCE S 16 DEG. 55 MIN. 29 SEC. E A DISTANCE OF 889.76 FEET TO A POINT, THENCE S 17 DEG. 56 MIN. 33 SEC. E A DISTANCE OF 893.76 FEET TO A POINT, THENCE S 16 DEG. 34 MIN. 46 SEC. E A DISTANCE OF 863.49 FEET TO A POINT, THENCE S 12 DEG. 28 MIN. 50 SEC. E A DISTANCE OF 1784.22 FEET TO A POINT, THENCE S 13 DEG. 26 MIN. 8 SEC. E A DISTANCE OF 894.42 FEET TO A POINT, THENCE S 11 DEG. 28 MIN. 16 SEC. E A DISTANCE OF 889.86 FEET TO A POINT, THENCE S 11 DEG. 34 MIN. 41 SEC. E A DISTANCE OF 892.98 FEET TO A POINT, THENCE S 7 DEG. 20 MIN. 36 SEC. E A DISTANCE OF 888.41 FEET TO A POINT, THENCE S 5 DEG. 17 MIN. 32 SEC. E A DISTANCE OF 897.38 FEET TO A POINT, THENCE S 5 DEG. 24 MIN. 10 SEC. E A DISTANCE OF 904.22 FEET TO A POINT, THENCE S 16 DEG. 43 MIN. 9 SEC. E A DISTANCE OF 902.88 FEET TO A POINT, THENCE S 19 DEG. 13 MIN. 20 SEC. E A DISTANCE OF 886.16 FEET TO A POINT, THENCE S 20 DEG. 22 MIN. 8 SEC. E A DISTANCE OF 501.40 FEET TO A POINT, THENCE S 88 DEG. 8 MIN. 7 SEC. W A DISTANCE OF 55.02 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SOUTH SEGMENT (MARTIN COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

62B-34.270 Palm Beach County.

The legal description for the Palm Beach County General Permit Line is based on the Official Map of Record of the Coastal Construction Control Line (CCCL), previously established in compliance with Section 161.053, F.S., and recorded August 22, 1997 in "CCCL Book 80 Pages 137 through 155" and in "O.R. Book 9951 Pages 85 through 108" of the public records of Palm Beach County, Florida, said General Permit Line being more particularly described as follows:

SEGMENT 1: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 06 78 C05-2 AND RUN THENCE N 44 DEG. 33 MIN. 04 SEC. W A DISTANCE OF 488.13 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 74 DEG. 18 MIN. 44 SEC. E A DISTANCE OF 74.49 FEET TO A POINT, THENCE S 10 DEG. 13 MIN. 28 SEC. E A DISTANCE OF 877.21 FEET TO A POINT, THENCE S 8 DEG. 57 MIN. 26 SEC. E A DISTANCE OF 968.54 FEET TO A POINT, THENCE S 4 DEG. 16 MIN. 18 SEC. E A DISTANCE OF 658.92 FEET TO A POINT, THENCE S 13 DEG. 54 MIN. 42 SEC. E A DISTANCE OF 671.08 FEET TO A POINT, THENCE S 10 DEG. 48 MIN. 36 SEC. E A DISTANCE OF 1348.64 FEET TO A POINT, THENCE S 12 DEG. 28 MIN. 1 SEC. E A DISTANCE OF 1205.11 FEET TO A POINT, THENCE S 13 DEG. 59 MIN. 14 SEC. E A DISTANCE OF 1022.74 FEET TO A POINT, THENCE S 13 DEG. 56 MIN. 58 SEC. E A DISTANCE OF 1585.63 FEET TO A POINT, THENCE S 74 DEG. 24 MIN. 19 SEC. W A DISTANCE OF 25.36 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 1 (PALM BEACH COUNTY). SEGMENT 2: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 06 78 D04 AND RUN THENCE S 55 DEG. 38 MIN. 25 SEC. W A DISTANCE OF 74.12 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 78 DEG. 18 MIN. 38 SEC. E A DISTANCE OF 32.42 FEET TO A POINT, THENCE S 06 DEG. 25 MIN. 43 SEC. E A DISTANCE OF 1082.60 FEET TO A POINT, THENCE S 06 DEG. 36 MIN. 07 SEC. E A DISTANCE OF 1010.80 FEET TO A POINT, THENCE S 05 DEG. 39 MIN. 50 SEC. E A DISTANCE OF 1121.84 FEET TO A POINT, THENCE S 06 DEG. 35 MIN. 07 SEC. E A DISTANCE OF 1344.13 FEET TO A POINT, THENCE S 04 DEG. 34 MIN. 08 SEC. E A DISTANCE OF 1311.24 FEET TO A POINT, THENCE S 06 DEG. 25 MIN. 06 SEC. E A DISTANCE OF 1206.72 FEET TO A POINT, THENCE S 03 DEG. 26 MIN. 30 SEC. E A DISTANCE OF 972.17 FEET TO A POINT, THENCE S 02 DEG. 48 MIN. 39 SEC. E A DISTANCE OF 898.91 FEET TO A POINT, THENCE S 02

DEG. 34 MIN. 15 SEC. E A DISTANCE OF 1298.03 FEET TO A POINT, THENCE S 00 DEG. 18 MIN. 26 SEC. W A DISTANCE OF 977.51 FEET TO A POINT, THENCE S 02 DEG. 01 MIN. 15 SEC. W A DISTANCE OF 937.59 FEET TO A POINT, THENCE S 00 DEG. 06 MIN. 39 SEC. E A DISTANCE OF 1048.83 FEET TO A POINT, THENCE S 04 DEG. 22 MIN. 33 SEC. E A DISTANCE OF 1131.17 FEET TO A POINT, THENCE S 06 DEG. 01 MIN. 04 SEC. E A DISTANCE OF 1255.67 FEET TO A POINT, THENCE S 06 DEG. 55 MIN. 54 SEC. E A DISTANCE OF 1081.42 FEET TO A POINT, THENCE S 09 DEG. 13 MIN. 24 SEC. E A DISTANCE OF 1100.10 FEET TO A POINT, THENCE S 01 DEG. 48 MIN. 34 SEC. E A DISTANCE OF 1618.79 FEET TO A POINT, THENCE S 00 DEG. 45 MIN. 28 SEC. E A DISTANCE OF 744.33 FEET TO A POINT, HENCE S 04 DEG. 06 MIN. 05 SEC. E A DISTANCE OF 1279.02 FEET TO A POINT, THENCE S 02 DEG. 11 MIN. 19 SEC. E A DISTANCE OF 1206.22 FEET TO A POINT, THENCE S 02 DEG. 33 MIN. 49 SEC. W A DISTANCE OF 1167.70 FEET TO A POINT, THENCE S 02 DEG. 49 MIN. 23 SEC. W A DISTANCE OF 989.12 FEET TO A POINT, THENCE S 02 DEG. 23 MIN. 21 SEC. W A DISTANCE OF 1198.04 FEET TO A POINT, THENCE S 02 DEG. 51 MIN. 50 SEC. W A DISTANCE OF 1099.09 FEET TO A POINT, THENCE S 03 DEG. 00 MIN. 46 SEC. W A DISTANCE OF 246.69 FEET TO A POINT, THENCE S 15 DEG. 47 MIN. 19 SEC. W A DISTANCE OF 346.17 FEET TO A POINT, THENCE S 07 DEG. 28 MIN. 52 SEC. W A DISTANCE OF 467.40 FEET TO A POINT, THENCE S 06 DEG. 45 MIN. 49 SEC. W A DISTANCE OF 1264.70 FEET TO A POINT, THENCE S 06 DEG. 47 MIN. 56 SEC. W A DISTANCE OF 1218.60 FEET TO A POINT, THENCE S 03 DEG. 41 MIN. 06 SEC. W A DISTANCE OF 1158.82 FEET TO A POINT, THENCE N 89 DEG. 27 MIN. 49 SEC. W A DISTANCE OF 105.94 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 2 (PALM BEACH COUNTY). SEGMENT 3: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) R-111 PM BH 1989 AND RUN THENCE S 89 DEG. 52 MIN. 05 SEC. W A DISTANCE OF 195.22 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 02 DEG. 49 MIN. 03 SEC. E A DISTANCE OF 605.38 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 87 DEG. 10 MIN. 57 SEC. E A DISTANCE OF 144.39 FEET TO A POINT, THENCE S 04 DEG. 13 MIN. 23 SEC. W A DISTANCE OF 599.69 FEET TO A POINT,

THENCE S 00 DEG. 03 MIN. 21 SEC. E A DISTANCE OF 1138.24 FEET TO A POINT, THENCE S 02 DEG. 21 MIN. 39 SEC. W A DISTANCE OF 1038.85 FEET TO A POINT, THENCE S 03 DEG. 06 MIN. 59 SEC. W A DISTANCE OF 427.53 FEET TO A POINT, THENCE S 02 DEG. 13 MIN. 57 SEC. E A DISTANCE OF 590.86 FEET TO A POINT, THENCE S 01 DEG. 20 MIN. 22 SEC. W A DISTANCE OF 1108.00 FEET TO A POINT, THENCE S 02 DEG. 25 MIN. 49 SEC. W A DISTANCE OF 965.13 FEET TO A POINT, THENCE S 04 DEG. 51 MIN. 26 SEC. W A DISTANCE OF 489.99 FEET TO A POINT, THENCE N 88 DEG. 00 MIN. 01 SEC. W A DISTANCE OF 100.80 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 3 (PALM BEACH COUNTY). SEGMENT 4: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 06 78 E07 AND RUN THENCE N 66 DEG. 49 MIN. 38 SEC. W A DISTANCE OF 170.69 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 02 DEG. 30 MIN. 39 SEC. E A DISTANCE OF 1022.85 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE N 85 DEG. 07 MIN. 43 SEC. E A DISTANCE OF 42.30 FEET TO A POINT, THENCE S 01 DEG. 54 MIN. 22 SEC. E A DISTANCE OF 1009.56 FEET TO A POINT, THENCE S 03 DEG. 08 MIN. 57 SEC. E A DISTANCE OF 1260.79 FEET TO A POINT, THENCE S 01 DEG. 57 MIN. 44 SEC. E A DISTANCE OF 1182.31 FEET TO A POINT, THENCE S 00 DEG. 29 MIN. 42 SEC. E A DISTANCE OF 1142.02 FEET TO A POINT, THENCE S 01 DEG. 13 MIN. 05 SEC. E A DISTANCE OF 923.70 FEET TO A POINT, THENCE S 00 DEG. 33 MIN. 58 SEC. E A DISTANCE OF 1175.26 FEET TO A POINT, THENCE S 00 DEG. 07 MIN. 41 SEC. W A DISTANCE OF 1390.13 FEET TO A POINT, THENCE S 00 DEG. 38 MIN. 01 SEC. W A DISTANCE OF 1311.24 FEET TO A POINT, THENCE S 00 DEG. 48 MIN. 01 SEC. E A DISTANCE OF 1080.49 FEET TO A POINT, THENCE S 00 DEG. 41 MIN. 30 SEC. E A DISTANCE OF 1311.34 FEET TO A POINT, THENCE S 01 DEG. 31 MIN. 49 SEC. W A DISTANCE OF 1173.10 FEET TO A POINT, THENCE S 03 DEG. 02 MIN. 40 SEC. W A DISTANCE OF 1310.62 FEET TO A POINT, THENCE S 01 DEG. 07 MIN. 07 SEC. W A DISTANCE OF 965.42 FEET TO A POINT, THENCE S 03 DEG. 13 MIN. 06 SEC. W A DISTANCE OF 981.99 FEET TO A POINT, THENCE S 03 DEG. 20 MIN. 36 SEC. W A DISTANCE OF 609.70 FEET TO A POINT, THENCE S 03 DEG. 23 MIN. 54 SEC. W A DISTANCE OF 1308.31 FEET TO A POINT,

THENCE S 03 DEG. 20 MIN. 00 SEC. W A DISTANCE OF 1064.70 FEET TO A POINT, THENCE S 03 DEG. 52 MIN. 45 SEC. W A DISTANCE OF 1038.92 FEET TO A POINT, THENCE S 05 DEG. 15 MIN. 30 SEC. W A DISTANCE OF 1036.20 FEET TO A POINT, THENCE S 05 DEG. 52 MIN. 33 SEC. W A DISTANCE OF 1018.70 FEET TO A POINT, THENCE S 11 DEG. 16 MIN. 28 SEC. W A DISTANCE OF 973.49 FEET TO A POINT, THENCE S 13 DEG. 25 MIN. 39 SEC. W A DISTANCE OF 1130.48 FEET TO A POINT, THENCE S 12 DEG. 02 MIN. 00 SEC. W A DISTANCE OF 1085.69 FEET TO A POINT, THENCE N 78 DEG. 52 MIN. 15 SEC. W A DISTANCE OF 21.94 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 4 (PALM BEACH COUNTY). SEGMENT 5: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) HAULOVER 1929 N03 1970 AND RUN THENCE N 37 DEG. 25 MIN. 13 SEC. W ADISTANCE OF 459.21 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE;THENCE S 03 DEG. 45 MIN. 44 SEC. W A DISTANCE OF 400.95 FEET TO A POINT,THENCE N 84 DEG. 57 MIN. 53 SEC. W A DISTANCE OF 227.88 FEET TO A POINT,THENCE S 12 DEG. 02 MIN. 58 SEC. W A DISTANCE OF 41.87 FEET TO A POINT,SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN:THENCE S 80 DEG. 14 MIN. 49 SEC. E A DISTANCE OF 172.01 FEET TO A POINT, THENCE S 12 DEG. 30 MIN. 00 SEC. W A DISTANCE OF 425.55 FEET TO A POINT, THENCE S 15 DEG. 6 MIN. 03 SEC. W A DISTANCE OF 1325.34 FEET TO A POINT,THENCE S 14 DEG. 29 MIN. 39 SEC. W A DISTANCE OF 1014.72 FEET TO A POINT,THENCE S 12 DEG. 40 MIN. 58 SEC. W A DISTANCE OF 1047.75 FEET TO A POINT,THENCE S 89 DEG. 38 MIN. 27 SEC. W A DISTANCE OF 101.63 FEET TO A POINT,SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 5 (PALM BEACH COUNTY). SEGMENT 6: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) HAULOVER-B 1991 AND RUN THENCE S 32 DEG. 05 MIN. 25 SEC. E A DISTANCE OF 202.03 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE;SAID POINT BEING THE POINT OF BEGINNING

OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 86 DEG. 36 MIN. 25 SEC. E A DISTANCE OF 86.30 FEET TO A POINT, THENCE S 08 DEG. 09 MIN. 07 SEC. W A DISTANCE OF 1005.24 FEET TO A POINT, THENCE S 05 DEG. 14 MIN. 51 SEC. W A DISTANCE OF 706.38 FEET TO A POINT, THENCE S 06 DEG. 18 MIN. 54 SEC. W A DISTANCE OF 695.34 FEET TO A POINT, THENCE S 07 DEG. 13 MIN. 10 SEC. W A DISTANCE OF 1192.02 FEET TO A POINT, THENCE S 08 DEG. 05 MIN. 15 SEC. W A DISTANCE OF 864.33 FEET TO A POINT, THENCE S 08 DEG. 36 MIN. 51 SEC. W A DISTANCE OF 1151.85 FEET TO A POINT, THENCE S 10 DEG. 46 MIN. 00 SEC. W A DISTANCE OF 1089.08 FEET TO A POINT, THENCE S 10 DEG. 52 MIN. 36 SEC. W A DISTANCE OF 1131.10 FEET TO A POINT, THENCE S 09 DEG. 59 MIN. 40 SEC. W A DISTANCE OF 991.73 FEET TO A POINT, THENCE S 07 DEG. 43 MIN. 57 SEC. W A DISTANCE OF 1182.55 FEET TO A POINT, THENCE S 06 DEG. 20 MIN. 40 SEC. W A DISTANCE OF 917.39 FEET TO A POINT, THENCE S 04 DEG. 38 MIN. 14 SEC. W A DISTANCE OF 1036.36 FEET TO A POINT, THENCE S 08 DEG. 52 MIN. 50 SEC. W A DISTANCE OF 341.20 FEET TO A POINT, THENCE S 10 DEG. 32 MIN. 33 SEC. W A DISTANCE OF 776.97 FEET TO A POINT, THENCE S 04 DEG. 56 MIN. 21 SEC. W A DISTANCE OF 326.93 FEET TO A POINT, THENCE S 02 DEG. 40 MIN. 42 SEC. W A DISTANCE OF 1071.68 FEET TO A POINT, THENCE S 08 DEG. 27 MIN. 58 SEC. W A DISTANCE OF 1124.46 FEET TO A POINT, THENCE S 07 DEG. 32 MIN. 10 SEC. W A DISTANCE OF 1006.99 FEET TO A POINT, THENCE S 07 DEG. 36 MIN. 08 SEC. W A DISTANCE OF 1187.58 FEET TO A POINT, THENCE S 07 DEG. 28 MIN. 05 SEC. W A DISTANCE OF 1015.95 FEET TO A POINT, THENCE S 08 DEG. 00 MIN. 08 SEC. W A DISTANCE OF 1328.30 FEET TO A POINT, THENCE S 09 DEG. 06 MIN. 00 SEC. W A DISTANCE OF 935.91 FEET TO A POINT, THENCE S 07 DEG. 58 MIN. 27 SEC. W A DISTANCE OF 1247.13 FEET TO A POINT, THENCE N 85 DEG. 59 MIN. 36 SEC. W A DISTANCE OF 78.71 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 6 (PALM BEACH COUNTY). SEGMENT 7: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 93 89 A21 AND RUN THENCE S 43 DEG. 20 MIN. 44 SEC. W A DISTANCE OF 291.79 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 03 DEG. 54 MIN. 43 SEC. E A DISTANCE OF 850.09 FEET TO A POINT, SAID POINT BEING THE POINT OF

BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 85 DEG. 20 MIN. 02 SEC. E A DISTANCE OF 50.03 FEET TO A POINT, THENCE S 03 DEG. 20 MIN. 30 SEC. W A DISTANCE OF 832.98 FEET TO A POINT, THENCE S 03 DEG. 38 MIN. 23 SEC. W A DISTANCE OF 1123.15 FEET TO A POINT, THENCE S 02 DEG. 47 MIN. 20 SEC. W A DISTANCE OF 906.36 FEET TO A POINT, THENCE S 04 DEG. 38 MIN. 27 SEC. W A DISTANCE OF 1024.54 FEET TO A POINT, THENCE S 04 DEG. 45 MIN. 57 SEC. W A DISTANCE OF 1114.45 FEET TO A POINT, THENCE S 05 DEG. 32 MIN. 12 SEC. W A DISTANCE OF 1173.28 FEET TO A POINT, THENCE S 03 DEG. 45 MIN. 31 SEC. W A DISTANCE OF 1103.36 FEET TO A POINT, THENCE S 04 DEG. 59 MIN. 53 SEC. W A DISTANCE OF 841.88 FEET TO A POINT, THENCE S 88 DEG. 25 MIN. 35 SEC. W A DISTANCE OF 87.83 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 7 (PALM BEACH COUNTY). SEGMENT 8: COMMENCE AT FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMERLY FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR)) PERMANENT REFERENCE MONUMENT (PRM) 93 89 A27 AND RUN THENCE N 89 DEG. 05 MIN. 14 SEC. W A DISTANCE OF 187.87 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE S 06 DEG. 38 MIN. 04 SEC. W A DISTANCE OF 727.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED GENERAL PERMIT LINE; THENCE LEAVING SAID COASTAL CONSTRUCTION CONTROL LINE RUN: THENCE S 83 DEG. 21 MIN. 56 SEC. E A DISTANCE OF 113.74 FEET TO A POINT, THENCE S 08 DEG. 52 MIN. 37 SEC. W A DISTANCE OF 653.69 FEET TO A POINT, THENCE S 11 DEG. 43 MIN. 41 SEC. W A DISTANCE OF 1007.53 FEET TO A POINT, THENCE S 11 DEG. 13 MIN. 38 SEC. W A DISTANCE OF 910.17 FEET TO A POINT, THENCE S 06 DEG. 50 MIN. 48 SEC. W A DISTANCE OF 1031.91 FEET TO A POINT, THENCE S 06 DEG. 37 MIN. 08 SEC. W A DISTANCE OF 970.79 FEET TO A POINT, THENCE S 88 DEG. 00 MIN. 32 SEC. W A DISTANCE OF 29.33 FEET TO A POINT, SAID POINT BEING LOCATED ON THE AFOREMENTIONED COASTAL CONSTRUCTION CONTROL LINE AND BEING THE POINT OF TERMINUS OF THE HEREIN DESCRIBED GENERAL PERMIT LINE SEGMENT 8 (PALM BEACH COUNTY).

Rulemaking Authority 161.053(21) FS. Law Implemented 161.053(5), (19), (22) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Michael Sole
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 26, 2009
DATE NOTICES OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 21, 2007, March 7, 2008,
April 17, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-1.007 List of Approved Forms;
 Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the revised application forms for licensure.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board

office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (16) No change.

(17) DH-MQA 1087, entitled "Application for Licensure as an Anesthesiologist Assistant," (10/09) ~~(1/09)~~.

(18) through (21) No change.

(22) DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (10/09) ~~(1/09)~~.

(23) through (25) No change.

Rulemaking Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09,_____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-30.003 Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application for licensure as a physician assistant in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application for licensure as a physician assistant in the application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) Requirements for Licensure. All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09 1/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/PhysAsst/index.html. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(2) through (5) No change.

Rulemaking Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History--New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11- 30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28- 00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06, 2-25-07, 5-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.012
RULE TITLE: Physician Assistant Performance

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUMMARY: The proposed rule amendment deletes the requirement for co-signing medical charts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.309, 458.347(4)(a), (13) FS.

LAW IMPLEMENTED: 458.347(2), (3), (4), (13) 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, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. ~~During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days.~~

(4) No change.

~~Rulemaking Specific~~ Authority 458.309, 458.347(4)(a), (13) FS. Law Implemented 458.347(2), (3), (4), (13) FS. History--New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99, 11-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.003
RULE TITLE: Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application form for anesthesiologist assistants.

SUMMARY: The proposed rule amendment incorporates the revised application form for anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.309, 458.3475 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.3475 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:

64B8-31.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department. The application shall be made on Form DH-MQA 1087, entitled "Application for Licensure and Licensure Requirements for Anesthesiologist Assistants," (revised 10/09 4/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/Anes/aa_applicant.html.

(b) through (c) No change.

(2) Requirements for Licensure.

(a) through (c) No change.

(d) The applicant must provide documentation of the completion following:

1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its

spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; clinical management; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) No change.

(3) No change.

Rulemaking Specific Authority 458.309, 458.3475 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.3475 FS. History--New 8-2-05, Amended 5-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-42.001 **RULE TITLE:** Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes the rule amendments to incorporate changes to the application forms.
SUMMARY: The Board proposes the rule amendments to incorporate changes to the application forms.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 468.507 FS.
LAW IMPLEMENTED: 468.507, 468.513 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 10/2009 ~~12/2008~~, incorporated by reference, which can be accessed at www.doh.state.fl.us/mqa, and demonstrate the following:

- (1)(a) through (b) No change.
- (2) No change.

Rulemaking Authority 468.507 FS. Law Implemented 468.507, 468.513 FS. History—New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended 5-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-42.002 **RULE TITLE:** Licensure by Examination
PURPOSE AND EFFECT: The Board proposes the rule amendments to incorporate changes to the application forms.
SUMMARY: The Board proposes the rule amendments to incorporate changes to the application forms.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 456.017(1), 468.507 FS.
LAW IMPLEMENTED: 456.027, 468.509 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.002 Licensure by Examination.

Each applicant for certification by examination shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 10/2009 ~~12/2008~~, which can be accessed at www.doh.state.fl.us/mqa, and demonstrate the following:

- (a)1. through (b)1. No change.
- (2) through (5) No change.

Rulemaking Authority 456.017(1), 468.507 FS. Law Implemented 456.027, 468.509 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99, 3-9-08, 5-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
 RULE TITLE: Graduates From Foreign or Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose of this amendment is to decrease the program hours held in foreign nursing programs to reflect equivalency to approved programs, and to incorporate amendments to Section 464.019, F.S.

SUMMARY: The amendment decreases the program hours held in foreign nursing programs to reflect equivalency to approved programs, and to incorporate amendments of Section 464.019, F.S.

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

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 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: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.014 Graduates From Foreign or Non-NCSBN Jurisdictions.

(1) Graduates of foreign nursing programs or nursing programs in jurisdictions which are not members of the National Council of State Boards of Nursing (NCSBN) must submit an evaluation from a credentialing agency approved by the Board.

(2) Approved credentialing agencies must meet the following criteria:

(a) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b) The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

(c) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(d) The credentialing agency must manage the translation of original documents into English.

(e) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

(f) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(3) Credentials evaluation report.

(a) The references used in the evaluation must be cited in the credentials report.

(b) The credentials report must state the language of nursing instruction and the language of textbooks for nursing education.

(c) The credentialing agency must use only original source documentation in evaluating nursing education.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) The report must detail course clock hours for theory and clinical components of nursing education.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Section 464.019, F.S. Rules ~~64B9-2.006~~ and ~~64B9-2.015, F.A.C.~~; and must demonstrate, at a minimum, the following hours of theoretical and clinical instruction:

(a) Registered nursing programs:

1. 70 ~~144~~ theory hours and 127 ~~341~~ clinical hours in medical nursing;

2. 45 ~~91~~ theory hours and 104 ~~294~~ clinical hours in surgical nursing;

3. 31 ~~32~~ theory hours and 44 ~~87~~ clinical hours in obstetrical nursing;

4. 32 theory hours and 43 ~~84~~ clinical hours in pediatric nursing; and

5. 34 ~~30~~ theory hours and 53 ~~51~~ clinical hours in psychiatric/mental health nursing; and

~~6. 16 theory hours and 18 clinical hours in community/public health nursing.~~

(b) Practical nursing programs:

1. 87 ~~131~~ theory hours and 115 ~~216~~ clinical hours in medical nursing;

2. 76 ~~82~~ theory hours and 103 ~~186~~ clinical hours in surgical nursing;

3. 34 theory hours and 47 ~~46~~ hours in obstetrics nursing; and

4. 27 ~~30~~ theory hours and 38 ~~42~~ clinical hours in pediatrics nursing.

(c) Registered and practical nursing programs must meet the requirement of Section 464.019(1)(g) and (h), F.S.

Rulemaking Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History--New 4-19-00, Amended 10-22-07, 5-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 18, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.003
RULE TITLE: Physician Assistant Licensure
PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application for licensure as a physician assistant in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application for licensure as a physician assistant in the application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 459.022 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure. All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09 ~~1/09~~), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized

letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(2) through (5) No change.

Rulemaking Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, 2-25-07, 5-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.010
RULE TITLE: Physician Assistant Performance

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUMMARY: The proposed rule amendment deletes the requirement for co-signing medical charts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 459.005, 459.022(4)(a), (13) FS.

LAW IMPLEMENTED: 459.022(2), (3), (4), (13) 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.010 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. ~~During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days.~~

(4) No change.

Rulemaking Specific Authority 459.005, 459.022(4)(a), (13) FS. Law Implemented 459.022(2), (3), (4), (13) FS. History—New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, 1-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.003
RULE TITLE: Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application form for anesthesiologist assistants.

SUMMARY: The proposed rule amendment incorporates the revised application form for anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 459.023, 459.005 FS.

LAW IMPLEMENTED: 459.023, 456.013(7), 456.031, 456.033 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department. The application shall be made on Form DH-MQA 1087, entitled “Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.” (revised 10/09 4/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine’s website at http://www.doh.state.fl.us/mqa/Anes/aa_applicant.html.

(b) through (c) No change.

(2) Requirements for Licensure.

(a) through (c) No change.

(d) The applicant must provide documentation of the completion following:

~~1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; clinical management; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional’s practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information~~

~~on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

3. ~~Completion~~ of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

- (e) No change.
- (3) No change.

Rulemaking Authority 459.023, 459.005 FS. Law Implemented 459.023, 456.013(7), 456.031, 456.033 FS. History--New 8-2-05, Amended 5-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-16.006 Sliding Fee Scale

PURPOSE AND EFFECT: The Department proposes to amend the existing language in this chapter.

SUMMARY: The rule amendments makes substantive changes to the sliding fee scale for purposes of family planning.

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

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

RULEMAKING AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 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: Margaret Rankin, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-16.001 Sliding Fee Scale.

(1) Persons with net family incomes between 101 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 101 percent ~~200~~ and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

(a) through (e) No change.

(f) Clients served by CHDs and their subcontractors shall not be denied family planning services for failure or inability to pay a prescribed fee, regardless of their income; however certain family planning methods ~~the family planning services of inserting Norplant, and, including~~ male and female sterilization, shall be limited depending on the availability of funds to pay for these services.

(g) Clients shall not be denied pregnancy testing for failure or inability to pay a fee.

(h) For family planning services only, persons with net family incomes between 101 percent and 250 ~~200~~ percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments:

1. Persons with incomes at or below 100 percent of the OMB poverty guidelines shall pay no fee. Persons with incomes at 200 to 224 percent of the OMB poverty guidelines shall pay 90 percent of the full fee for family planning services.

2. Persons with incomes at 101 to 129 percent of the OMB poverty guidelines shall pay 17 percent of the full fee. Persons with incomes at 225 to 249 percent of the OMB poverty guidelines shall pay 95 percent of the full fee for family planning services.

3. Persons with incomes at 130 to 159 percent of the OMB poverty guidelines shall pay 33 percent of the full fee. Persons with incomes at or above 250 percent of the OMB poverty guidelines shall pay the full fee for family planning services.

4. Persons with incomes at 160 to 189 percent of the OMB poverty guidelines shall pay 50 percent of the full fee.

5. Persons with incomes at 190 to 219 percent of the OMB poverty guidelines shall pay 67 percent of the full fee.

6. Persons with incomes at 220 to 250 percent of the OMB poverty guidelines shall pay 83 percent of the full fee.

7. Persons with incomes at or above 251 percent of the OMB poverty guidelines shall pay the full fee.

(4) Persons with net family incomes above 200 percent of the OMB poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in subsections (a) through (h) above.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended 6-24-02, 6-17-03, 8-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret Rankin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-2.024
RULE TITLE: Construction Materials Mining Activities

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide additional notice of intended blasting activity to local government. In addition to the written notice required 20 days in advance of the initial blasting activity, written notice must be provided five days in advance of intended blasting activity following permit renewal.

SUMMARY: The State Fire Marshal has authority to regulate statewide vibration limits relating to the use of explosives in conjunction with commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials. However, the authority is

limited to adopting the limits established by the United States Bureau of Mines; therefore, the State Fire Marshal does not retain discretion with regard to setting ground vibration limits. Population growth has resulted in increased concern about ground vibrations. The rule provides additional notice requirements so that people can be prepared for the blasting vibrations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 552.30, 552.38 FS.

LAW IMPLEMENTED: 552.30, 552.38 FS.

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

DATE AND TIME: Monday, December 21, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Third Floor Conference Room, Atrium Building, 325 John Knox Road, 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 days before the workshop/meeting by contacting: Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia.Sinco@myfloridacfo.com, Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal. Phone: (850)413-3670

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-2.024 Construction Materials Mining Activities.

(1) through (7) No change.

(8) Local Government Notice.

(a) Each person permitted to engage ~~engaged~~ in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted. The initial notice shall be provided after the issuance of the permit and give at least 20 days notice prior to the initial blast ~~for any blasting.~~

(b) Subsequent notices shall be provided following the annual permit date and give at least five days notice prior to the first blast following annual permit date.

(c)(b) As soon as practical, but no later than one hour prior to the time when a blast is scheduled to take place, the person or firm engaged in construction materials mining activity shall, if requested, notify the county or municipality of any revisions to the notice.

(9) through (15) No change.

Rulemaking Specific Authority ~~552.30~~, 552.38 FS. Law Implemented ~~552.20~~, 552.38 FS. History--New 11-25-01, Amended 6-24-02, Formerly 4A-2.024, Amended 10-27-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-170.0155
RULE TITLE: Forms
PURPOSE AND EFFECT: This rule is being amended to adopt a revised version of Office of Insurance Regulation form OIR-B1-1802, “Uniform Mitigation Verification Inspection Form”. This form is being revised based on changes to the My Safe Florida Home program and the experience of the Office of Insurance Regulation, insurers and policyholders with the form since its last revision in July 2007.

SUMMARY: Section 627.711, Florida Statutes, required the Office to develop a form to be used by home inspectors to verify the presence of windstorm-mitigation features on policyholder’s property so the insurer can calculate appropriate discounts. This form, OIR-B1-1802, first developed in July 2007, is being revised to use terminology commonly used in the construction industry in describing the construction features to be inspected and to require the inspector and homeowner to verify the inspector actually conducted the inspection.

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

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

RULEMAKING AUTHORITY: 624.308, 627.711 FS.

LAW IMPLEMENTED: 215.5586, 627.711 FS.

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

DATE AND TIME: December 21, 2009, 9:00 a.m.
PLACE: 116 Larson Building, 200 East Gaines 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 days before the workshop/meeting by contacting: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) through (k) No change.

(l) OIR-B1-1802, “Uniform Mitigation Verification Inspection Form,” (~~Rev. 9/09~~ New 7/07).

(m) through (n) No change.

(2) No change.

Rulemaking Specific Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History--New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, 3-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-170.0155
RULE TITLE: Forms
PURPOSE AND EFFECT: This rule is being amended to adopt a revised version of Office of Insurance Regulation form OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation”. This form is being revised based on changes to the My Safe Florida Home program and the experience of the Office of Insurance Regulation, insurers and policyholders with the form since its last revision in July 2007.

SUMMARY: Section 627.711, Florida Statutes, required the Office to develop a form to be used by insurers to provide policyholders information about available windstorm mitigation discounts. Because the free inspections and the grants offered by the My Safe Florida Home program are no longer available, Form OIR-B1-1655 is being revised to remove references to these programs.

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

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

RULEMAKING AUTHORITY: 624.308, 627.711 FS.

LAW IMPLEMENTED: 215.5586, 627.711 FS.

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

DATE AND TIME: December 21, 2009, 9:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines 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 days before the workshop/meeting by contacting: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) through (j) No change.

(k) OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation," (Rev. ~~09/09 7/07~~).

(1) through (2) No change.

Rulemaking Specific Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, 3-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-236.001	Purpose
690-236.002	Definitions
690-236.003	Methodology
690-236.004	Limitations and Exclusions
690-236.005	Data Sources

PURPOSE AND EFFECT: To adopt the annual report card to be used by the Office of the Consumer Advocate, as required by Section 627.0613, Florida Statutes.

SUMMARY: Section 627.0613(4), Florida Statutes, requires the Consumer Advocate's office to prepare an annual report card for each authorized personal residential property (homeowners) insurer, on a form and using a letter-grade scale developed by the Commission. The rule being proposed sets out the procedure by which the insurers would be graded and adopts the form by which the results are presented.

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

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

RULEMAKING AUTHORITY: 627.0613 FS.

LAW IMPLEMENTED: 627.0613 FS.

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

DATE AND TIME: January 4, 2010, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines 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 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@floir.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-236.001 Purpose.

The purpose of the rules is to establish procedures to be used by the Office of the Insurance Consumer Advocate in preparing an annual report card for each personal residential property insurer. The rules do not apply to eligible surplus lines insurers or to insurers that do not write any homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, cooperative unit owner's, or similar personal residential property insurance.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69O-236.002 Definitions.

(1) "Complaint" means any written communication that expresses dissatisfaction with a specific personal residential property insurer subject to regulation under Florida's insurance laws. An oral communication which is subsequently converted to a written form meets the definition of a complaint for this purpose.

(2) "Division" means the Division of Consumer Services of the Department of Financial Services.

(3) "Experience period" means the latest five calendar years for the purpose of evaluating complaints and the latest five calendar-accident years for the purpose of evaluating time to pay claims.

(4) "Personal residential property insurer" means an insurer that writes personal residential property insurance such as homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, cooperative unit owner's and similar policies and includes an insurer that, in addition to writing personal residential property insurance policies, also writes commercial residential property insurance policies such as condominium association, cooperative association, apartment building and similar policies.

(5) "Qualifying premium" means a personal residential property insurer's total direct written personal and commercial residential property insurance premiums in this state during the experience period excluding the latest year's premium.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69O-236.003 Methodology.

(1) The Division currently divides complaints into numerous specific categories. For the purposes of the Insurer Report Card, complaints received by the Division will be grouped as follows: premium related complaints, loss related complaints and valid complaints. Premium related complaints

and loss related complaints are mutually exclusive. Valid complaints are a subset of premium related complaints and loss related complaints.

(2) A complaint is not valid if the disposition is categorized by the Division as one of the following:

- (a) Agent Position Upheld;
- (b) Company Position Upheld;
- (c) Complaint Withdrawn;
- (d) Contractual Provision;
- (e) Coverage Explained;
- (f) F-map Information;
- (g) Information Provided;
- (h) Insufficient Information;
- (i) Missing;
- (j) No Jurisdiction;
- (k) Not Eligible for Mediation;
- (l) Pamphlet Request;
- (m) Referred To FIGA;
- (n) Referred To Proper Agency;
- (o) Sent To Proper Agency.

(3) For the first annual Insurer Report Card, each insurer will receive a separate grade for each year in the experience period and for the 5-year experience period overall. The grade will be based on a percentage rank in accordance with subsections (4) and (5). The percentage rank will be determined for each insurer for each year in the experience period and for the 5-year experience period overall based on the following four factors:

(a) The insurer's market share of all premium related complaints (valid and invalid) compared to its market share of in-force policies on a calendar year basis;

(b) The insurer's market share of all loss related complaints (valid and invalid) compared to its share of the prior year's in-force policies on a calendar year basis;

(c) The insurer's market share of valid complaints compared to its share of the average of the latest year's and the prior year's in-force policies on a calendar year basis; and

(d) The insurer's average number of months to pay claims compared to the median number of months to pay claims of all insurers on a calendar-accident year basis.

(4) Based on the insurer's percentage rank, each insurer will receive a letter grade in accordance with the following:

(a) A grade of A if the insurer's percentage rank is in the top 15%;

(b) A grade of B if the insurer's percentage rank is in the next 20%;

(c) A grade of C if the insurer's percentage rank is in the next 30%;

(d) A grade of D if the insurer's percentage rank is in the next 20%; and

(e) A grade of E if the insurer's percentage rank is in the last 15%.

(5) Each insurer is assigned an overall grade based upon a weighted average determined as follows:

(a) 10% weight to premium related complaints grade;

(b) 10% weight to loss related complaints grade;

(c) 30% weight to valid complaints grade; and

(d) 50% weight to average number of months to pay claims grade.

(6) To provide appropriate incentives for the second and subsequent years' annual Insurer Report Cards, each insurer will be graded on absolute scales developed from the first annual Insurer Report Card experience period. Absolute grading scales will reflect higher expected complaint ratios in hurricane years.

(7) The Office of the Insurance Consumer Advocate will issue an annual report card on a form that provides the name of each insurer followed by a letter grade for:

(a) Overall score;

(b) Premium related complaint score;

(c) Loss related complaint score;

(d) Valid complaint score; and

(e) Score for time to pay claims.

(8) Form CA-01, "Annual Report Card of the Insurance Consumer Advocate of Residential Property Insurers" is incorporated herein and adopted.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

690-236.004 Limitations and Exclusions.

(1) Complaints are classified as loss related, premium related and valid based upon an objective evaluation of the reason and disposition descriptions given to each complaint. Complaints will be evaluated based on the reason and disposition descriptions in the complaint files as of April 1 of the year following the experience period that is being graded.

(2) All complaints for which the complete insurer name is missing from the complaint file are excluded.

(3) Open complaint files or complaints for which the complaint disposition description is missing are treated as invalid complaints, except for complaints for which the reason description is judged to describe a valid complaint.

(4) Missing complaint reason descriptions are treated as premium related complaints.

(5) All flood complaints are excluded.

(6) Claims are assumed to be paid on average in the middle of the calendar year in which they close.

(7) For calendar-accident years in which a company had fewer than 50 paid claims as of the end of the latest calendar year, such claims are assumed to have been paid in the industry average number of months.

(8) Insurers with less than \$30 million in qualifying premium are graded on each of the four factors but are given an overall grade of "I" for "insufficient complaint history" due to a lack of actuarial credibility.

(9) Insurers with less than 5 years of experience are only graded for those years for which they had experience.

(10) Insurers with less than \$100,000 in qualifying premium in the latest calendar year will not be graded.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

690-236.005 Data Sources.

The insurer report card will be based on data obtained from the following sources:

(1) Complaint data from the Division of Consumer Services, Florida Department of Financial Services;

(2) Paid claim data from the Statutory Annual Statements, Schedule P, Part 5A, Section 1, filed by insurers with the Office of Insurance Regulation; and

(3) In-force policy and direct written premium data from the Quarterly Summary Reports (QSR) of the Florida Office of Insurance Regulation.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debra Seymour, Office of Insurance Regulation, E-mail
debra.seymour@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.:

RULE TITLE:

69V-40.003

Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 494, Florida Statutes, relating to mortgage brokering and mortgage lending.

SUMMARY: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing

(REAL) System. This rule pertains to persons and businesses required to be licensed as under Chapter 494, Florida Statutes, relating to mortgage brokering and mortgage lending.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has been prepared and may be obtained by contacting: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

RULEMAKING AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 494.0011 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under

~~Chapter 69V-40, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.~~

Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History--New 10-21-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1013 **RULE TITLE:** Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed as money services businesses under Chapter 560, Florida Statutes.

SUMMARY: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed as money services businesses under Chapter 560, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has been prepared and may be obtained by contacting: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

RULEMAKING AUTHORITY: 560.105 FS.
 LAW IMPLEMENTED: 560.105 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History--New 1-13-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
 RULE TITLE: Student Performance Standards
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

Subsection (2) is amended to read:

(2) ~~No less than~~ Every twelve (12) years from the effective date of the last amendment of the standards for a subject area, the Commissioner shall convene an expert group to shall review the standards and make recommendations to the Commissioner for their review and revision. The Commissioner shall determine whether revisions are necessary based on the recommendations of the expert group, and shall propose such revisions to the State Board for adoption. The Commissioner may initiate expert review of a set of standards after a period of less than twelve (12) years, if the Commissioner determines that developments have occurred in that subject area such as to make existing standards inadequate.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-2.025	Processing of Water Use Permit Applications
40B-2.041	Permits Required
40B-2.101	Content of Application
40B-2.301	Conditions for Issuance of Permits
40B-2.321	Duration of Permits
40B-2.331	Modification of Permits
40B-2.341	Revocation of Permits