

64D-3.040 Procedures for Control of Specific Communicable Diseases
 64D-3.041 Epidemiological Investigations
 64D-3.042 STD Testing Related to Pregnancy
 PURPOSE AND EFFECT: To update the list of diseases and conditions to be reported and make other technical changes within the rule to make the rule more effective.
 SUBJECT AREA TO BE ADDRESSED: Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health.
 SPECIFIC AUTHORITY: 381.0011(6), 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 381.006(16), 382.003(7), 383.06, 384.25(1), 384.25(2), 384.33, 392.53(1), 392.53(2), 392.66 FS.
 LAW IMPLEMENTED: 381.0011, 381.003, 381.0031, 381.004(3)(c), 383.06, 384.23, 384.25, 384.26, 384.27, 384.31, 385.202, 392.52, 392.53, 392.54 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Quinn, Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A19, Tallahassee, FL 32399-1716, (850)245-4604, Kimberly_Quinn@doh.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to assess whether current rules are sufficient to ensure sustainability of reptile and amphibian populations.
 SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking, possessing, and sale of reptiles and amphibians.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-26.002
 RULE TITLE: Regulations Relating to the Taking of Amphibians

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to assess whether current rules are sufficient to ensure sustainability of reptile and amphibian populations.
 SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking, possessing, and sale of reptiles and amphibians.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
 RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this proposed amendment is to establish in rule the most recent eligibility criteria, application submission criteria including the required use of the Division's new on-line grants system; and criteria related to compliance with and the recordation of restrictive covenants or surety bonds in compliance with Section 265.701(4), FS.
 SUMMARY: The proposed rule details application submission, eligibility criteria, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.

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.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-603, 265.605-607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

DATE AND TIME: Monday, May 12, 2008, 10:00 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS

IT-1.001 Division of Cultural Affairs.

(1) through (15) No change.

(16) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding for the renovation, construction, or acquisition of cultural facilities. This program is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. An eligible ~~The~~ applicant for a cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), F.S.

2. Have ownership of, or have an executed lease at the time of application for the undisturbed use of the land or buildings or both associated with the land, building(s), both situated upon the property where the cultural facility for a minimum of 10 years following the recordation of the restrictive covenant or date of issue of a surety bond, is or will be located; or

3. Have an executed lease for the undisturbed use of the land, building(s), or both upon the property where the cultural facility is or will be located. In those cases where the land; or building(s); or both, are leased by an eligible ~~the~~ applicant, the

owner(s) must also meet the requirements of Section 265.701(2) and (4), F.S. For the purposes of this program, an eligible applicant may ~~that~~ leases state-owned land; or building(s); or both ~~must not be a political subdivision of the state.~~

~~4. Retain ownership of all improvements to the facility and property made with grant funds for at least ten years following the execution of the grant award agreement. This paragraph does not apply to applicants that lease land and/or building(s) owned by the state.~~

~~3.5. Have satisfied the administrative requirements of previous grants received from the Division.~~

(b) Ownership of Improvements. The owner of the property or building(s) or both must retain ownership of the improvements made to the property or building(s) or both for at least 10 years following the recordation of the restrictive covenant or date of issue of a surety bond.

(c)(b) Application Requirements Program Eligibility. All eligible ~~A~~ applications shall consist of the following ~~documents and information:~~

1. ~~Until directed to submit electronically on the Division's website, applicants must submit in hard copy; A~~ completed and signed Cultural Facilities Program Application shall be electronically submitted through the Division's on-line application website at www.florida-arts.org Form (#CA2EO20; eff. 5/06), incorporated by reference and available from the Division, including the number of required application copies, submitted to the Division on or before the application announced postmark deadline, which will be posted on the Division's website. The application is available through the Division's on-line application system.

2. A complete application shall include the following:

a. General identification and contact information.

~~b.2. A description of the Project Scope of Work, that shall including a project narrative, the current phases, and the prior phases of the project.~~

~~c.3. Project Budgets, including a summary and detail, a matching funds statement, a match summary chart, and a donor profile.~~

~~d.4. A description of the Need for the Project, including an operating forecast detail, a list of the organization staff, and a statement regarding on the fiscal stability of the organization.~~

~~e.5. A description of the project's impact on the city, county, or multi-county region.~~

3. Application Support Materials. The following support materials are required. Directions for submission of support materials shall be available through the online application system.

a.6. Documentation of unrestricted ownership or undisturbed use through an executed lease of the land or building(s) or both, related to the cultural facility and facility located upon the property; or

7. An executed lease agreement between the applicant and owner(s) of the land, building(s), or both located upon the property, providing for undisturbed use for a minimum of 10 years following the recording of the restrictive covenant or date of issue of a surety bond execution date of the grant award agreement. Leases conditioned on the applicant's receipt of grant funds do not qualify.

b.8. Documentation of the applicant's Total Support and Revenue and Total Expenses. Documentation shall consist of an independent certified audit or review, or certification of the organization's Total Support and Revenue and Total Expenses by an authorized official of the applicant. An authorized official shall be either the president of the board, board chair, or another board member authorized to enter into agreements for the organization. If the applicant is an entity of city or county government, the authorized official shall be an elected official of the city or county, or an individual designated by the official to act upon the behalf of the official. An independent certified audit or review of the applicant's financial records according to the following provisions:

a. Not for Profit, tax exempt Florida corporations with total support and revenue in the unrestricted column of the audit of less than \$500,000 must submit copies of the applicant organization's independent, certified audit or review for the last completed fiscal year. The publication date of the audit or review shall not be later than the date of the application deadline for which the audit or review is submitted.

b. Not for Profit, tax exempt Florida corporations with total support and revenue in the unrestricted column of the audit of \$500,000 or more must submit copies of the applicant organization's independent, certified audit for the last completed fiscal year. The publication date of the audit shall not be later than the date of the application deadline for which the audit is submitted.

e. Municipal or county governments shall submit either the audit for the last completed fiscal year, or an internally prepared financial statement of revenue and expenses.

c.9. An 8 1/2" x 11" reduction of current architectural plans.

d.10. Letters of Support: Submit letters or list of local officials lending support to this project.

e. For municipalities and counties, a copy of the approved resolution or minutes from the commission meeting showing the dollar amount dedicated and available to the project if the grant is awarded, and the date the funds will be available.

(d)(e) Funding Request.

1. The applicant shall not request more than \$500,000 in a single application. There is no minimum amount.

2. An applicant from the same organization shall not submit more than one application under a single application deadline for the same facility, project, site, or phase.

3. An organization may shall not submit a funding request to both the Cultural Facilities Program and the Regional Cultural Facilities Program in the same fiscal year for the same project, facility, site, or phase in the same fiscal year.

4. An entity funded by the Legislature outside of the review of the Florida Arts Council or approval by the Secretary of State shall not be eligible to receive grant support for the same renovation, acquisition, or new construction project from the Division of Cultural Affairs within the same fiscal year in which Legislative funding is appropriated.

(e)(d) Time Limits and Funding Cap. No project shall receive more than \$1.5 million during five (5) consecutive state fiscal years. "Receive" means measured from July 1 of the fiscal year in which grant funds for the Cultural Facilities Program were appropriated by the Legislature awarded.

(f)(e) Matching Funds.

1. For eligible organizations with total support and revenue in the unrestricted column of the audit of less than \$500,000, eligible matching funds provided by the applicant organization or by a third party shall be on at least a one-to-one match of the amount requested.

2. For eligible organizations with total support and revenue in the unrestricted column of the audit of \$500,000 or more, eligible matching funds provided by the applicant organization or by a third party shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.

3. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

4. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project within the five-year period prior to the application deadline.

5. At least 50% of the cash match must be cash-on-hand and dedicated to the project. For the purpose of this program, cash-on-hand includes funds identified in executed award letters or contracts from third parties, provided that those funds are expressly for the project for which the grant application is submitted.

6. No more than 50% of the match may be irrevocable pledges or in-kind contributions. Irrevocable pledges and in-kind contributions must be documented in the application. For the purpose of this program, in-kind contributions by the applicant are not eligible for match.

7. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the required support material original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the

application deadline cannot be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

~~(g)~~(f) Application Review Committee.

1. The application review committee shall review each eligible application based on the following criteria: Scope of Work (up to 15 points), Project Budget and Matching Funds (up to 25 points), Need for Program and Operating Forecast (up to 30 points), and Project Impact (up to 30 points).

2. All applications that receive an average score of at least of 75 out of 100 possible points will be recommended for funding.

3. The committee shall develop a priority list based on the average score for each application.

4. The committee shall submit the priority list to the Florida Arts Council for review and recommendation.

~~(h)~~(g) The Florida Arts Council shall review the priority list and submit the recommendations to the Secretary of State.

~~(i)~~(h) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

~~(j)~~(i) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All applicants with projects that are retained on the priority list shall be required by the Division to submit the information in subparagraphs (c)2.a.-c.(b)1. 3. above in order to report reflect the most current status of the project.

3. The deadline for the receipt of updated information and directions for submission shall be posted on the Division's website the same annual deadline as for new applications.

4. Rollover Updated projects on the priority list shall will not be re-scored, but will retain their original scores and recommended funding amounts, and be rather merged with the new applications for that year using the original scores and recommended funding.

5. Projects that are rolled over to the priority list shall be ineligible for a grant if the updated information includes a change in scope, venue, or funding amount; or if all of the required update information is not provided by the deadline. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

~~(k)~~(j) No changes in project scope or venue will be permitted.

~~(l)~~(k) Grant Award Agreement. The Grant Award Agreement (CA2EO38, eff. 5/086) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/00, incorporated by reference and available from the Division at www.florida-arts.org).

3. Other provisions that shall be agreed to by both the grantee and the state.

(m) Grant Encumbrance Period and Expenditure Date.

1. Encumbrance Period.

a. For the purpose of this program, the encumbrance period is the state fiscal year in which grant funds are appropriated by the Legislature.

b. During the encumbrance period, but not later than the end date of the encumbrance period, the grantee shall execute all required contracts for all work to be accomplished with grant funds.

c. The Division will not release more than 25% of the total grant amount until the executed contract with an architect or contractor has been submitted. The Division shall maintain the signed contract in the grant files. The contract shall reference an amount equal to or in excess of the grant amount and shall be signed and dated by the grantee and the architect or contractor. Acquisition grants that were awarded for the purchase of land on which the cultural facility will be built or for the purchase of a facility are exempt from this provision.

d. Grant funds shall not be used for project expenditures that were incurred prior to the execution of the Grant Award Agreement.

e. The maximum extension of the encumbrance period is 120 days.

2. Expenditure Date.

a. Grant funds must be expended by April 1 of the fiscal year following the fiscal year in which grant funds were appropriated by the Legislature.

b. Grant funds shall not be used for project expenditures that were incurred later than the approved expenditure deadline.

c. The maximum extension of the expenditure date shall be 120 days.

~~3.~~(f) The Division may will further extend the encumbrance and expenditure deadlines by not more than an additional 120 days each, provisions in section (10) of the Agreement in the event that the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such

circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, or failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

~~(n)(m)~~ Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the state fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the expenditure of grant and match completion of the project.

3. All reports shall include the following ~~information~~:

a. A description of the work completed.

b. A financial statement showing the expenditure of grant and match.

c. A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

~~(o)(n)~~ Definitions. For the purposes of this program, paragraphs (n), (o) and (p) of section (17) of this rule, a “grantee” is an applicant that has received a Cultural Facilities Program Grant Award. “Property owner” refers to the owners of land, or building(s); or both, and all improvements made with grant funds situated upon the property. Section 265.701(4), F.S., requires that the grantee and the property owner either record a restrictive covenant or purchase a surety bond to ensure that the facility is used as a cultural facility for (10) years following the recordation of the restrictive covenant or date of issue of the surety bond execution date of the grant award agreement. A “cultural facility” is “a building which shall be used primarily for the programming, production, presentation, exhibition or any combination of the above functions of any of the cultural disciplines, such as: music, dance, theatre, creative writing, literature, painting, sculpture, folk arts, photography, crafts, media arts, and historical and science museums.”

~~(p)(o)~~ Restrictive Covenant.

1. If the grantee chooses to recordation of a restrictive covenant, is chosen by the grantee, and the property owner(s); if the land or buildings or both are leased by the grantee, shall a completed and executed and file a Restrictive covenants Form must be filed with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds.

2. The restrictive covenant shall include the following provisions: grantee’s legal interest in the land and/or building(s) determines which of the four restrictive covenant forms described below must be used.

a. That the restrictive covenant shall run with title to the building(s) and the associated land and improvements made by grant funds, shall encumber them, and shall be binding upon the grantee and the owners, if different, and the successors in interest for (10) ten years from the date of the recordation of the restrictive covenant. A grantee that owns the land and the building(s) upon the property where the cultural facility is or will be located must complete Restrictive Covenant Addendum 1-A, Form CA2E108, eff. 5/06, incorporated by reference and available from the Division.

b. The owner of the improvements made to the building(s) and associated land funded in whole or in part by grant funds shall also execute the restrictive covenant. A grantee that owns the building(s) upon the property where the cultural facility is or will be located, but leases the underlying land, must complete Restrictive Covenant Addendum 1-B, Form CA2E110, eff. 5/06, incorporated by reference and available from the Division.

c. The grantee shall permit the Division to inspect the facility and associated land at all reasonable times to determine whether the grantee is in compliance with the grant award agreement and the restrictive covenant or surety bond. A grantee that leases the land and the building(s) upon the property where the cultural facility is or will be located must complete Restrictive Covenant Addendum 1-C, Form CA2E111, eff. 5/06, incorporated by reference and available from the Division.

d. The grantee shall maintain the building(s) as a “cultural facility.” For the purposes of this program, a “cultural facility” is a building which shall be used primarily for the programming, production, presentation, exhibition or any combination of the foregoing for any of the following cultural disciplines: music, dance, theatre, creative writing, literature, painting, sculpture, folk arts, photography, crafts, media arts, and historical and science museums. A grantee that owns the land where the cultural facility is or will be located, but leases the building(s) upon the property where the cultural facility is or will be located must complete Restrictive Covenant Addendum 1-D, Form CA2E0112, eff 5/06, incorporated by reference and available from the Division.

e. The restrictive covenant shall also contain an amortization and schedule of the repayment of grant funds, should the grantee or owners or their successors in interest violate the restrictive covenant.

f. Other provisions as agreed upon by the Division and the grantee.

3. If the restrictive covenant is violated, the grantee shall reimburse the Division pursuant to the following amortization schedule:

a. If the violation occurs within five (5) years following the recordation of the restrictive covenant, 100% of the grant amount;

b. If the violation occurs more than five (5) but less than six (6) years following the recordation of the restrictive covenant, 80% of the grant amount;

c. If the violation occurs more than six (6) but less than seven (7) years following the recordation of the restrictive covenant, 65% of the grant amount;

d. If the violation occurs more than seven (7) but less than eight (8) years following the recordation of the restrictive covenant, 50% of the grant amount;

e. If the violation occurs more than eight (8) but less than nine (9) years following the recordation of the restrictive covenant, 35% of the grant amount; and

f. If the violation occurs more than nine (9) but less than ten (10) years following the recordation of the restrictive covenant, 20% of the grant amount.

(q)(p) Surety Bond.

1. If a surety bond is chosen in lieu of recording a restrictive covenant, the grantee must:

a. Purchase a surety bond prior to the release of grant funds from an insurer authorized to do business in Florida as a surety; and

b. Include the ~~surety bond Addendum #2, Form CA2E109, eff. 5/06, incorporated by reference and available from the Division,~~ as an addendum to the grant award agreement;

~~2.e.~~ The following shall be included in the surety bond:

a. ~~T~~hat the facility described in the grant award agreement will be used as a cultural facility for (10) ten years following the date of issue of the surety bond execution date of the grant award agreement, and that failure to do so shall constitute a violation of the surety bond;

~~b.d.~~ Include in the bond ~~T~~hat in the event of violation, the surety shall reimburse the Division pursuant to the amortization schedule set forth below.

~~3.2.~~ A certified copy of the surety bond must be provided to the Division prior to the release of grant award funds.

~~4.3.~~ If the surety bond is violated, the surety shall reimburse the Division pursuant to the following amortization schedule:

a. If a violation occurs within three (3) years following the date of issue of the surety bond execution of the grant award agreement, 100% of the grant amount;

b. If a violation occurs more than three (3) but less than four (4) years following the date of issue of the surety bond execution of the grant award agreement, 80% of the grant amount;

c. If a violation occurs more than four (4) but less than five (5) years following the date of issue of the surety bond execution of the grant award agreement, 70% of the grant amount;

d. If a violation occurs more than five (5) but less than six (6) years following the date of issue of the surety bond execution of the grant award agreement, 60% of the grant amount;

e. If a violation occurs more than six (6) but less than seven (7) years following the date of issue of the surety bond execution of the grant award agreement, 50% of the grant amount;

f. If a violation occurs more than seven (7) but less than eight (8) years following the date of issue of the surety bond execution of the grant award agreement, 40% of the grant amount.

g. If a violation occurs more than eight (8) but less than nine (9) years following the date of issue of the surety bond execution of the grant award agreement, 30% of the grant amount; and

h. If a violation occurs more than nine (9) but less than ten (10) years following the date of issue of the surety bond execution of the grant award agreement, 20% of the grant amount.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-603, 265.605-607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald R. Blancett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 8, February 22, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

Palm Coast Park Community Development District

RULE NO.: RULE TITLE:

42AAA-1.002 Boundary

PURPOSE AND EFFECT: The Petition was filed by the Palm Coast Park Community Development District. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to contract approximately 59 acres from the District located entirely within the City of Palm Coast and Flagler County, Florida. The District currently covers approximately 4,778 acres of land and after amendment the District will encompass approximately 4,719 acres.

SUMMARY: The Petition was filed by the Palm Coast Park Community Development District. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to contract approximately 59 acres from the District located entirely within the City of Palm Coast and Flagler County, Florida. The District currently covers approximately 4,778 acres of land and after amendment the District will encompass approximately 4,719 acres.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "5" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the District, current and future property owners of District lands, the state, the City of Palm Coast, and Flagler County, Florida. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that transactional costs are nominal. Additionally, the SERC indicates that the landowner is funding the boundary amendment process so it is not a cost to the District. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have a negative impact on small counties and cities as defined in Section 120.52, F.S. Flagler County is not defined as a small county and the City of Palm Coast is not defined as a small city as set forth in Section 120.52, F.S. According to the SERC, certain data was provided by the developer/petitioner and represents the best information available at the time. Other data was based on observation, analysis and experience with private development and other community development districts in various stages of existence.

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.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 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: Wednesday, May 14, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42AAA-1.002 Boundary.

The boundaries of the District are as follows:

PARCEL 902

THAT PORTION OF GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, LYING EAST OF U.S. HIGHWAY NO. 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, SOUTH 01°19'10" EAST ALONG THE WEST LINE OF SECTION 3 A DISTANCE OF 128.57 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE OF SECTION 3 RUN NORTH 83°28'00" EAST ALONG THE APPROXIMATE LOCATION OF A DIRT ROAD A DISTANCE OF 506.42 FEET, THENCE SOUTH 82°42'27" WEST A DISTANCE OF 1150.71 FEET, THENCE SOUTH 87°43'37" EAST A DISTANCE OF 949.77 FEET, THENCE SOUTH 70°53'54" EAST A DISTANCE OF 935.38 FEET, THENCE DEPARTING SAID APPROXIMATE DIRT ROAD SOUTH 20°16'51" EAST ALONG THE WESTERLY LINE OF THE SCHOOL BOARD PARCEL RECORDED IN ORB

519, PAGES 903 AND 904 A DISTANCE OF 2337.19 FEET, THENCE DEPARTING SAID SCHOOL PARCEL SOUTH 69°43'09" WEST ALONG THE BOUNDARY LINE OF LAND RECORDED IN ORB 536, PAGES 1389 THROUGH 1392 A DISTANCE OF 500.00 FEET, THENCE SOUTH 12°47'58" EAST A DISTANCE OF 2317.70 FEET TO A POINT ON THE SOUTH LINE OF SECTION 3, THENCE DEPARTING LAND RECORDED IN ORB 536, PAGES 1389-1392 SOUTH 88°44'12" WEST A DISTANCE OF 1570.76 FEET, THENCE SOUTH 88°44'12" WEST ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 1993.22 FEET TO A POINT ON THE BOUNDARY OF WELL SITE SW-35, THENCE NORTH 67°12'42" EAST A DISTANCE OF 2.34 FEET, THENCE NORTH 22°47'18" WEST A DISTANCE OF 100.00 FEET, THENCE SOUTH 67°12'42" WEST ALONG SAID WELL BOUNDARY A DISTANCE OF 150.00 FEET, THENCE SOUTH 22°47'17" EAST A DISTANCE OF 41.76 FEET, THENCE SOUTH 88°44'12" WEST ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 239.87 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE NORTH 22°47'18" WEST A DISTANCE OF 688.01 FEET TO A POINT ON THE WEST LINE OF SECTION 3, THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 01°19'10" WEST ALONG THE WEST LINE OF SECTION 3 A DISTANCE OF 4512.19 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF GOVERNMENT SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5), FLAGLER COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PORTION OF GOVERNMENT SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF BEGINNING BEING THE NORTHEAST CORNER OF SAID SECTION 4, THENCE SOUTH 01°19'10" EAST ALONG THE EAST LINE OF SECTION 4 A DISTANCE OF 128.57 FEET TO A POINT BEING THE APPROXIMATE LOCATION OF A DIRT ROAD RUNNING WESTERLY, THENCE SOUTH 83°28'00" WEST ALONG SAID DIRT ROAD A DISTANCE OF 1337.89 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE NORTH 14°05'29" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 274.49 FEET TO A POINT ON THE NORTH LINE OF SECTION 4, THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 89°24'09" EAST ALONG THE NORTH LINE OF SECTION 4 A DISTANCE OF 1393.14 FEET TO THE POINT OF BEGINNING.

EXCEPTION CONTAINING 6.2344 ACRES MORE OR LESS.

ALSO LESS AND EXCEPT THE FOLLOWING PALM COAST UTILITY CORP. (FLORIDA WATER SERVICES CORP.) WELL SITE SW-36. DESCRIPTION AS RECORDED IN OFFICIAL RECORDS BOOK 641, PAGES 1051 THROUGH 1221, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL RP 0142:

A PARCEL OF LAND IN GOVERNMENT SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, AS A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 4, THENCE NORTH 01°19'11" WEST ALONG THE EASTERLY LINE OF SAID SECTION 4 1693.85 FEET; THENCE SOUTH 88°40'49" WEST 13.49 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 22°47'18" WEST 100.00 FEET; THENCE SOUTH 67°12'42" WEST 150.00 FEET; THENCE SOUTH 22°47'18" EAST 100.00 FEET, THENCE NORTH 67°12'42" EAST 150.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.

WELL PARCEL CONTAINING .34 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 10, A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE SOUTH 00°59'54" EAST ALONG THE EAST LINE OF SECTION 10 A DISTANCE OF 617.50 FEET, THENCE DEPARTING SAID LINE SOUTH 67°12'21" WEST A DISTANCE OF 939.17 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE SOUTH 67°12'21" WEST A DISTANCE OF 3540.82 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE NORTH 22°47'15" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 2431.20 FEET TO A POINT ON THE NORTH LINE OF SECTION 10, THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 88°44'12" EAST ALONG THE NORTH LINE OF SECTION 10 A DISTANCE OF 266.63 FEET, THENCE DEPARTING SAID SECTION LINE SOUTH 22°47'18" EAST ALONG THE BOUNDARY OF WELL SITE SW-35 A DISTANCE OF 58.24 FEET, THENCE NORTH 67°12'42" EAST A DISTANCE OF 147.66 FEET, THENCE DEPARTING SAID WELL SITE NORTH 88°44'12" EAST ALONG THE NORTH LINE OF SECTION 10 A DISTANCE OF 3563.98 FEET, THENCE SOUTH 12°47'58" EAST A DISTANCE OF 982.01 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PALM COAST UTILITY CORP. (FLORIDA WATER SERVICES CORP.) WELL SITE SW-34, (DESCRIPTION FURNISHED BY OWNER):

A PARCEL OF LAND IN GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 10, THENCE SOUTH 88°33'54" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST 1/4 1042.43 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF A 50.00 FEET PIPE LINE EASEMENT EAST OF AND PARALLEL WITH U.S. HIGHWAY NO. 1 (300 FEET RIGHT-OF-WAY); THENCE NORTH 22°47'18" WEST 955.79 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 67°12'42" EAST 150.00 FEET; THENCE NORTH 22°47'18" WEST 100.00 FEET; THENCE SOUTH 67°12'42" WEST 150.00 FEET; THENCE SOUTH 22°47'18" EAST 100.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

WELL PARCEL CONTAINING .34 ACRES MORE OR LESS.

ALSO LESS AND EXCEPT THE FOLLOWING PALM COAST UTILITY CORP. (FLORIDA WATER SERVICES CORP.) WELL SITE SW-35. DESCRIPTION AS RECORDED IN OFFICIAL RECORDS BOOK 641, PAGES 1051 THROUGH 1221, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL RP 0141:

A PARCEL OF LAND IN GOVERNMENT SECTIONS 10 AND 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE BEING A P.R.M. AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 88°44'12" EAST ALONG THE NORTHERLY LINE OF SECTION 10, 491.68 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 22°47'18" EAST 58.34 FEET, THENCE NORTH 67°12'42" EAST 150.00 FEET, THENCE NORTH 22°47'18" WEST 100.00 FEET, THENCE SOUTH 67°12'42" WEST 150.00 FEET, THENCE SOUTH 22°47'17" EAST 41.66 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

WELL PARCEL CONTAINING .34 ACRES MORE OR LESS.

PARCEL 1002

A PARCEL OF LAND BEING A PORTION OF THAT LAND RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1592 THROUGH 1609 TOGETHER WITH A PORTION OF THAT LAND RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1620 THROUGH 1626 LYING IN GOVERNMENT SECTIONS 15, 16, 21 AND 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING TEN (10) FEET WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95; LESS AND EXCEPT THAT PORTION TAKEN BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY ASSOCIATED WITH THE INTERSTATE-95 OLD KINGS ROAD OVERPASS;

ALSO LESS AND EXCEPT OLD KINGS ROAD (66' R/W); ALSO LESS AND EXCEPT THAT LAND OWNED BY FLAGLER COUNTY KNOWN AS THE AGRICULTURAL MUSEUM PARCEL, RECORDED IN OFFICIAL RECORDS BOOK (ORB) 552, PAGE 215, ORB 561, PAGE 1458, ORB 586, PAGES 1220-1223 AND ORB 586, PAGE 1227, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

TOGETHER WITH A PARCEL OF LAND BEING A PORTION OF GOVERNMENT SECTION 16, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1;

LESS AND EXCEPT PARCEL 2-17E RECORDED IN OFFICIAL RECORDS BOOK 586, PAGE 1227, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, ALSO LESS AND EXCEPT OLD KINGS ROAD (66' R/W); ALSO LESS AND EXCEPT LAND RECORDED IN OFFICIAL RECORDS BOOK 574, PAGES 1429 THROUGH 1431, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

ALSO LESS AND EXCEPT A PORTION OF SECTIONS 15 AND 16, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID SECTION 16, BEAR SOUTH 00°44'07" EAST ALONG THE EAST LINE OF SECTION 16, A DISTANCE OF 813.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84°40'51" EAST, DEPARTING SAID EAST LINE, A DISTANCE OF 475.04 FEET; THENCE SOUTH 71°59'32" EAST A DISTANCE OF 299.56 FEET; THENCE SOUTH 17°24'50" WEST, A DISTANCE OF 29.54 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 83.00 FEET, THENCE ALONG THE ARC OF SAID CURVE 38.98 FEET THROUGH A CENTRAL ANGLE OF 26°54'21", A CHORD BEARING OF SOUTH 03°57'39" WEST AND A CHORD DISTANCE OF 38.62 FEET; THENCE NORTH 71°59'32" WEST, A DISTANCE OF 299.56 FEET, THENCE NORTH 84°40'51" WEST, A DISTANCE OF 1587.76 FEET; THENCE NORTH 73°25'25" WEST, A DISTANCE OF 1342.39 FEET; THENCE NORTH 83°06'27" WEST, A DISTANCE OF 1013.64 FEET; THENCE NORTH 08°29'47" WEST, A DISTANCE OF 69.49 FEET, THENCE SOUTH 83°06'27" EAST, A DISTANCE OF 1037.76 FEET; THENCE SOUTH 73°25'25" EAST, A

DISTANCE OF 1341.46 FEET, THENCE SOUTH 84°40'51" EAST, A DISTANCE OF 1113.57 FEET TO THE POINT OF BEGINNING.

EXCEPTION CONTAINING 6.543 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING PORTION OF GOVERNMENT SECTION 21 LYING EAST OF U.S. HIGHWAY NO. 1:

BEGINNING FROM THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE SOUTH 00°28'10" EAST ALONG THE EASTERLY LINE OF SECTION 21 A DISTANCE OF 1117.09 FEET, THENCE DEPARTING SAID LINE SOUTH 61°12'56" WEST A DISTANCE OF 748.34 FEET, THENCE NORTH 00°29'04" WEST A DISTANCE OF 149.94 FEET, THENCE SOUTH 89°23'31" WEST A DISTANCE OF 658.86 FEET, THENCE NORTH 00°29'57" WEST A DISTANCE OF 1319.38 FEET, THENCE NORTH 89°20'34" EAST ALONG THE NORTH LINE OF SECTION 21 A DISTANCE OF 1318.40 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THE FOLLOWING PORTION OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22, THENCE NORTH 89°41'29" EAST ALONG THE NORTH LINE OF SECTION 22 A DISTANCE OF 2630.63 FEET TO THE NORTH QUARTER (1/4) CORNER, THENCE NORTH 88°58'06" EAST ALONG THE NORTH LINE OF SECTION 22 A DISTANCE OF 880.17 FEET, THENCE SOUTH 25°15'02" EAST ALONG A LINE LYING TEN (10) FEET WEST OF AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95 A DISTANCE OF 899.05 FEET, THENCE DEPARTING SAID LINE ALONG THE NORTH BOUNDARY OF PARCEL 211 ORB 553, PAGE 1713 RUN SOUTH 64°44'58" WEST A DISTANCE OF 1000.18 FEET, THENCE NORTH 60°29'04" WEST A DISTANCE OF 932.59 FEET, THENCE SOUTH 29°30'56" WEST A DISTANCE OF 299.31 FEET, THENCE DEPARTING PARCEL 211 ALONG THE NORTH LINE OF (PCCSC) PARCEL RECORDED IN ORB 549, PAGES 969 AND 970, SAID NORTH LINE BEING COMMON AS THE SOUTH LINE OF ORB 507, PAGES 1592-1609, RUN NORTH 59°53'04" WEST A DISTANCE OF 811.19 FEET, THENCE SOUTH 85°54'56" WEST A DISTANCE OF 570.00 FEET, THENCE SOUTH 43°24'56" WEST A DISTANCE OF 565.00 FEET, THENCE SOUTH 81°42'56" WEST A DISTANCE OF 343.00 FEET, THENCE SOUTH 61°12'56" WEST A DISTANCE OF 26.65 FEET TO A POINT ON THE WEST LINE OF SECTION 22, THENCE DEPARTING SAID (PCCSC) PARCEL NORTH 00°28'10" WEST ALONG THE WEST LINE OF SECTION 22 A DISTANCE OF 1117.09 FEET TO THE POINT OF BEGINNING.

PARCEL 1003

A PARCEL OF LAND BEING A PORTION OF THAT LAND RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1592 THROUGH 1609, LYING IN GOVERNMENT SECTIONS 27, 28, 33 AND 34, TOWNSHIP 10 SOUTH, RANGE 30 EAST, SECTIONS 3 AND 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE NORTH 00°32'09" WEST ALONG THE WEST LINE OF SECTION 27 A DISTANCE OF 2074.30 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MATANZAS WOODS BOULEVARD (124' R/W), THENCE SOUTH 81°24'11" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 2323.41 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1876.00 FEET AND A CENTRAL ANGLE OF 03°51'30", THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 126.34 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 79°28'26" EAST A DISTANCE OF 126.31 FEET TO A POINT BEING THE NORTHWEST CORNER OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK (ORB) 574, PAGES 1417 THROUGH 1419, THENCE DEPARTING MATANZAS WOODS PARKWAY SOUTH 12°27'19" WEST ALONG THE WESTERLY BOUNDARY OF SAID PARCEL RECORDED IN ORB 574, PAGES 1417-1419, A DISTANCE OF 403.35 FEET, THENCE SOUTH 77°32'41" EAST A DISTANCE OF 99.32 FEET, THENCE SOUTH 22°57'24" EAST A DISTANCE OF 813.78 FEET, THENCE SOUTH 16°18'50" WEST A DISTANCE OF 134.50 FEET, THENCE SOUTH 73°41'10" EAST A DISTANCE OF 400.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY (124' R/W), THENCE DEPARTING SAID PARCEL RECORDED IN ORB 574, PAGES 1417-1419 SOUTH 16°18'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY ACCORDING TO THE PLAT BELLE TERRE SECTION 35 MAP BOOK 11, PAGES 2 THROUGH 26, A DISTANCE OF 266.77 FEET TO A POINT ON THE SOUTH LINE OF SECTION 27, THENCE SOUTH 89°12'10" WEST ALONG THE SOUTH LINE OF SECTION 27 A DISTANCE OF 3000.95 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 28 LYING EAST OF U.S. HIGHWAY NO. 1, BEGINNING AT THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE NORTH 89°28'59" WEST ALONG THE SOUTH LINE OF SECTION 28 A DISTANCE OF 2640.46 FEET TO THE SOUTH QUARTER CORNER OF SECTION 27, THENCE SOUTH 89°01'24" WEST A DISTANCE OF 55.72 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF

U.S. HIGHWAY NO. 1, THENCE DEPARTING SAID SECTION LINE NORTH 14°05'30" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 553.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1785.08 FEET AND A CENTRAL ANGLE OF 24°05'00", THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 750.33 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 02°02'59" WEST A DISTANCE OF 744.82 FEET TO THE CURVE'S END, THENCE NORTH 09°59'31" EAST A DISTANCE OF 756.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MATANZAS WOODS BOULEVARD, THENCE SOUTH 80°00'29" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 896.08 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 1124.00 FEET AND A CENTRAL ANGLE OF 24°05'00", THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 472.46 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 87°57'01" EAST A DISTANCE OF 468.99 FEET TO THE CURVE'S END, THENCE NORTH 75°54'31" EAST A DISTANCE OF 569.81 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1875.00 FEET AND A CENTRAL ANGLE OF 22°41'18", THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 742.48 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 87°15'10" EAST A DISTANCE OF 737.64 FEET TO THE CURVE'S END, THENCE SOUTH 81°24'11" EAST A DISTANCE OF 67.08 FEET TO A POINT ON THE EAST LINE OF SECTION 28, THENCE DEPARTING MATANZAS WOODS BOULEVARD SOUTH 00°32'09" EAST ALONG THE EAST LINE OF SECTION 28 A DISTANCE OF 2074.30 FEET TO THE POINT OF BEGINNING;
 ALSO LESS AND EXCEPT FLORIDA WATER SERVICES CORP. WELL SITE SW-42, A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 832, PAGE 991, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;
 LESS AND EXCEPT FLORIDA WATER SERVICES CORP. WELL SITE SW-43, A 100' x 150' PARCEL RECORDED IN OFFICIAL RECORDS BOOK 110, PAGE 283, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;
 TOGETHER WITH THAT PORTION OF GOVERNMENT SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5);
 LESS AND EXCEPT FLORIDA WATER SERVICES CORP. WELL SITE SW-41, A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 832, PAGE 991, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

TOGETHER WITH THAT PORTION OF GOVERNMENT SECTION 34, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY ACCORDING TO THE PLAT BELLE TERRE SECTION 35, MAP BOOK 11, PAGES 2 THROUGH 26, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;
 LESS AND EXCEPT THAT LAND RECORDED IN OFFICIAL RECORDS BOOK 594, PAGES 856 AND 857, ALSO LESS AND EXCEPT LAND RECORDED IN OFFICIAL RECORDS BOOK 625, PAGES 1596 AND 1597 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;
 TOGETHER WITH THE FOLLOWING PORTION OF GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 A POINT OF BEGINNING BEING THE NORTHWEST CORNER OF SAID SECTION 3, THENCE NORTH 88°47'06" EAST ALONG THE NORTH LINE OF SECTION 3 A DISTANCE OF 3195.30 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF LAND RECORDED IN OFFICIAL RECORDS BOOK (ORB) 594, PAGES 856 AND 857, THENCE SOUTH 50°36'55" WEST ALONG SAID NORTHERLY BOUNDARY A DISTANCE OF 156.95 FEET. THENCE SOUTH 39°23'05" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LAND A DISTANCE OF 606.62 FEET TO A POINT BEING THE NORTHWEST CORNER OF LAND RECORDED IN ORB 625, PAGES 1596 AND 1597, THENCE SOUTH 20°16'51" EAST A DISTANCE OF 64.03 FEET TO A POINT BEING THE NORTHWEST CORNER OF FLAGLER COUNTY SCHOOL BOARD LANDS RECORDED IN ORB 519, PAGES 903 AND 904, SAID POINT BEING THE APPROXIMATE LOCATION OF A DIRT ROAD RUNNING WESTERLY, THENCE DEPARTING SAID SCHOOL BOARD LANDS RUN NORTH 70°53'54" WEST ALONG SAID DIRT ROAD A DISTANCE OF 935.38 FEET, THENCE CONTINUING TO FOLLOW THE APPROXIMATE ROAD LOCATION RUN NORTH 87°43'37" WEST A DISTANCE OF 949.77 FEET, THENCE NORTH 82°42'27" WEST A DISTANCE OF 1150.71 FEET, THENCE SOUTH 83°28'00" WEST A DISTANCE OF 506.42 FEET TO A POINT ON THE WEST LINE OF SECTION 3, THENCE DEPARTING SAID DIRT ROAD NORTH 01°19'10" WEST ALONG THE WEST LINE OF SECTION 3 A DISTANCE OF 128.57 FEET TO THE POINT OF BEGINNING;
 ALSO TOGETHER WITH THE FOLLOWING PORTION OF GOVERNMENT SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF BEGINNING BEING THE NORTHEAST CORNER OF SAID SECTION 4, THENCE SOUTH $01^{\circ}19'10''$ EAST ALONG THE EAST LINE OF SECTION 4 A DISTANCE OF 128.27 FEET TO A POINT BEING THE APPROXIMATE LOCATION OF A DIRT ROAD RUNNING WESTERLY, THENCE SOUTH $83^{\circ}28'00''$ WEST ALONG SAID DIRT ROAD A DISTANCE OF 1337.89 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE NORTH $14^{\circ}05'29''$ WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 274.49 FEET TO A POINT ON THE NORTH LINE OF SECTION 4, THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH $89^{\circ}24'09''$ EAST ALONG THE NORTH LINE OF SECTION 4 A DISTANCE OF 1393.14 FEET.

PARCEL 201

A PARCEL OF LAND INCLUDING THAT LAND RECORDED AT PAGE 1706 OF OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LYING WEST OF U.S. HIGHWAY NO. 1 WITHIN GOVERNMENT SECTIONS 9 AND 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING SOUTHWEST CORNER OF SAID GOVERNMENT SECTION 10, THENCE NORTH $02^{\circ}39'55''$ EAST ALONG THE WEST LINE OF SECTION 10 A DISTANCE OF 1048.75 FEET, THENCE DEPARTING SAID WEST LINE OF SECTION 10 NORTH $67^{\circ}38'10''$ EAST A DISTANCE OF 129.55 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH $19^{\circ}01'15''$ WEST A DISTANCE OF 1352.35 FEET; THENCE NORTH $57^{\circ}12'21''$ EAST A DISTANCE OF 1050.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THE FLAGLER COUNTY MAINTENANCE YARD LANDS RECORDED IN OFFICIAL RECORDS BOOK 352, PAGES 134 THROUGH 136, THENCE SOUTH $22^{\circ}47'15''$ EAST ALONG SAID MAINTENANCE YARD BOUNDARY A DISTANCE OF 708.34 FEET; THENCE NORTH $67^{\circ}12'45''$ EAST ALONG THE SOUTH BOUNDARY LINE OF SAID MAINTENANCE YARD LANDS A DISTANCE OF 400.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTH $22^{\circ}47'15''$ EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 674.16 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF LOT 4, PALM COAST INDUSTRIAL PARK, MAP BOOK 26, PAGES 62 AND 63, THENCE DEPARTING U.S. HIGHWAY NO. 1 SOUTH $70^{\circ}12'45''$ WEST ALONG THE NORTHERLY LINE OF LOT 4 A DISTANCE OF 480.00 FEET TO THE NORTHWEST CORNER OF LOT 4, THENCE DEPARTING

PALM COAST INDUSTRIAL PARK SOUTH $67^{\circ}38'10''$ WEST A DISTANCE OF 1059.53 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 40.1127 ACRES MORE OR LESS.
PARCEL 211

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, THENCE RUN $S88^{\circ}53'06''W$ ALONG THE NORTH LINE OF SAID SECTION 22 A DISTANCE OF 1759.19 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE $S25^{\circ}15'01''E$ ALONG SAID WESTERLY RIGHT-OF-WAY LINE 894.55 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE $S25^{\circ}15'01''E$ 1663.74 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 975.00 FEET AND A CENTRAL ANGLE OF $64^{\circ}01'49''$; THENCE FROM A CHORD BEARING OF $N57^{\circ}15'57''W$ RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 1089.60 FEET TO THE POINT OF TANGENCY; THENCE $N89^{\circ}16'51''W$ 869.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 525.00 FEET AND A CENTRAL ANGLE OF $34^{\circ}53'44''$; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 319.75 FEET TO THE POINT OF TANGENCY; THENCE $N54^{\circ}23'07''W$ 585.58 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 975.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 178.16 FEET THROUGH A CENTRAL ANGLE OF $10^{\circ}28'11''$ TO A POINT ON THE WESTERLY LINE OF PARCEL "E", LAKEVIEW – SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 28, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE $N26^{\circ}32'17''E$, ALONG SAID WESTERLY LINE AND AN EXTENSION THEREOF 288.73 FEET; THENCE $S60^{\circ}29'04''E$ 350.00 FEET; THENCE $N29^{\circ}30'56''E$ 207.20 FEET; THENCE $S60^{\circ}29'04''E$ 582.59 FEET; THENCE $N64^{\circ}44'58''E$ 1010.18 FEET TO THE POINT OF BEGINNING:

TOGETHER WITH A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, CONVEYED BY QUIT CLAIM DEED FROM SUNSPORT RECREATION, INC., ET AL, AS GRANTORS, TO

FLORIDA LANDMARK COMMUNITIES, INC., AS GRANTEE, IN OFFICIAL RECORDS BOOK 846, PAGE 1584, DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID GOVERNMENT SECTION 22, THENCE SOUTH 88°58'06" WEST ALONG THE NORTH LINE OF SAID GOVERNMENT SECTION 22, A DISTANCE OF 1759.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95 (300' R/W), THENCE DEPARTING SAID NORTH LINE OF SECTION 22 SOUTH 25°15'02" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95 A DISTANCE OF 894.55 FEET, THENCE DEPARTING INTERSTATE-95 SOUTH 64°44'58" WEST ALONG THE NORTH LINE OF PARCEL 211 RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, A DISTANCE OF 1010.18 FEET, THENCE NORTH 60°29'04" WEST A DISTANCE OF 582.59 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH 29°30'56" WEST ALONG SAID BOUNDARY OF PARCEL 211 A DISTANCE OF 207.20 FEET, THENCE NORTH 60°29'04" WEST A DISTANCE OF 350.00 FEET TO A POINT ON THE BOUNDARY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1620 THROUGH 1626 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING SAID BOUNDARY LINE OF PARCEL 211 NORTH 29°30'56" EAST ALONG SAID BOUNDARY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1620 THROUGH 1626, A DISTANCE OF 207.20 FEET, THENCE SOUTH 60°29'04" EAST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.6649 ACRES MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED AREA, CONVEYED BY WARRANTY DEED FROM FLORIDA LANDMARK COMMUNITIES, INC., AS GRANTOR, TO STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AS GRANTEE, DESCRIBED AS FOLLOWS:

COMMENCE AT A RECOVERED 6" X 6" CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST 1/4, SECTION 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE RUN S88°58'16"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1759.44 FEET TO THE SOUTHWESTERLY EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 9 (INTERSTATE-95) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 73001, F.P. NO. 242341-1; THENCE DEPARTING SAID NORTH LINE, RUN S25°15'15"E ALONG SAID SOUTHWESTERLY EXISTING

LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 1450.68 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S25°15'15"E ALONG SAID SOUTHWESTERLY EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 1107.55 FEET; THENCE DEPARTING SAID SOUTHWESTERLY EXISTING LIMITED ACCESS RIGHT-OF-WAY RUN S64°44'58"W, A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE JEFFERSON DAVIS WATERWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 549, PAGE 966, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 975.00 FEET AND A CENTRAL ANGLE OF 43°00'34"; THENCE FROM A CHORD BEARING OF N46°45'19"W, RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 731.89 FEET; THENCE DEPARTING SAID CURVE AND SAID NORTHEASTERLY LINE, RUN N25°15'15"W, PARALLEL WITH SOUTHWESTERLY EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE A DISTANCE OF 442.47 FEET; THENCE RUN NORTH 64°44'45"E, A DISTANCE OF 272.00 FEET TO THE POINT OF BEGINNING.

EXCEPTION CONTAINING 4.168 ACRES, MORE OR LESS.

~~PARCEL 214~~

~~RESERVED PARCEL 26-1, PER THE PLAT OF LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.~~

~~CONTAINING 38.357 ACRES MORE OR LESS.~~

~~TOGETHER WITH A PARCEL OF LAND BEING ALL OF ASHWOOD WATERWAY (300 FEET WIDE) AND THAT PORTION OF LONDON WATERWAY (100 FEET WIDE AND APPROXIMATELY 785 FEET IN LENGTH) LYING NORTH OF ASHWOOD WATERWAY AND SOUTH OF LONDON DRIVE ALL ACCORDING TO THE SUBDIVISION PLAT LAKEVIEW SECTION 37, PALM COAST, RECORDED IN MAP BOOK 13, PAGES 1 THROUGH 29, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.~~

~~SUBJECT TO DRAINAGE EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 991 THROUGH 1047 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.~~

PARCEL 217

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA. THENCE RUN S89°01'24"W ALONG THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 235.41 FEET FOR A POINT OF BEGINNING ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY

NO. 1; THENCE CONTINUE S89°01'24"W ALONG SAID SOUTH LINE 550.83 FEET; THENCE N86°54'42"W 166.65 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 545.00 FEET AND A CENTRAL ANGLE OF 12°15'15"; THENCE FROM A CHORD BEARING OF N03°02'19"W RUN NORTHERLY ALONG THE ARC OF SAID CURVE 116.56 FEET TO A POINT; THENCE S80°50'04"W 200.00 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 11°49'46"; THENCE FROM A CHORD BEARING OF N03°15'03"W RUN NORTHERLY ALONG THE ARC OF SAID CURVE 206.46 FEET TO THE POINT OF TANGENCY; THENCE N09°09'56"W 1825.00 FEET; THENCE S80°50'04"W 1535.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE N09°09'56"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE 1821.28 FEET; THENCE N80°50'46"E 180.00 FEET; THENCE N09°09'13"W 35.17 FEET; THENCE N80°50'46"E 1070.48 FEET; THENCE N65°50'47"E 898.31 FEET; THENCE S24°09'14"E 267.00 FEET; THENCE N65°50'47"E 560.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 78.54 FEET TO THE POINT OF TANGENCY; THENCE S24°09'13"E 667.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 34°08'45"; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE 89.39 FEET TO THE POINT OF TANGENCY; THENCE S09°59'31"W 217.87 FEET; THENCE S80°00'29"E 325.00 FEET TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE CONTINUE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: S09°59'31"W 2217.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1960.08 FEET AND A CENTRAL ANGLE OF 24°05'00"; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE 823.89 FEET TO THE POINT OF TANGENCY; THENCE S14°05'30"E 513.00 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 194.759 ACRES, MORE OR LESS.

PARCEL 800.08

A PARCEL OF LAND LYING WEST OF U.S. HIGHWAY NO. 1 IN GOVERNMENT SECTIONS 3, 4, 9, AND 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF GOVERNMENT SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 88°44'12" EAST A DISTANCE OF 63.80 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE SOUTH 22°47'15" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1706.64 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 67°12'45" WEST A DISTANCE OF 600.00 FEET, THENCE SOUTH 22°47'15" EAST A DISTANCE OF 385.00 FEET, THENCE NORTH 67°12'45" EAST A DISTANCE OF 600.00 FEET, THENCE SOUTH 22°47'15" EAST ALONG THE WEST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 A DISTANCE OF 100.00 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 67°12'45" WEST ALONG THE NORTHERLY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 352, PAGES 134 THROUGH 136, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, A DISTANCE OF 450.00 FEET, THENCE SOUTH 22°47'15" EAST A DISTANCE OF 298.90 FEET, THENCE SOUTH 67°12'21" WEST A DISTANCE OF 1050.00 FEET, THENCE SOUTH 19°01'15" EAST A DISTANCE OF 1352.35 FEET, THENCE SOUTH 67°38'10" WEST A DISTANCE OF 461.22 FEET, THENCE NORTH 22°47'18" WEST A DISTANCE OF 4506.98 FEET, THENCE NORTH 67°12'42" EAST A DISTANCE OF 2000.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE SOUTH 22°47'18" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 623.41 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT SECTION 4, THENCE NORTH 01°19'10" WEST ALONG SAID EAST LINE OF SECTION 4 A DISTANCE OF 136.90 FEET, THENCE DEPARTING THE EAST LINE OF SECTION 4 SOUTH 22°47'18" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 174.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 155.3747 ACRES MORE OR LESS.

TOGETHER WITH A PORTION OF LAND DEEDED BY RAYONIER, INC. AS GRANTOR TO PALM COAST HOLDINGS, INC. AS GRANTEE, RECORDED IN OFFICIAL RECORDS BOOK 602, PAGES 1833 THROUGH 1835 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WEST OF U.S. HIGHWAY NO. 1, WITHIN GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, A POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 01°19'10" WEST ALONG THE WEST LINE OF SECTION 3 A DISTANCE OF 162.17 FEET, THENCE SOUTH 22°47'18" EAST A DISTANCE OF 174.33

FEET TO A POINT ON THE SOUTH LINE OF SECTION 3, THENCE SOUTH 88°44'12" WEST ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 63.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.1188 ACRES MORE OR LESS.

PARCEL 901

A PARCEL OF LAND LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY AND WEST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) BEING A PORTION OF THAT LAND RECORDED IN OFFICIAL RECORDS BOOK (ORB) 507, PAGES 1592 THROUGH 1617 AND ORB 552, PAGE 1341 AND LYING WITHIN GOVERNMENT SECTIONS 28, 29, 32 AND 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, AND GOVERNMENT SECTIONS 4, 9 AND 16, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND WITHIN SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF U.S. HIGHWAY NO. 1, BEGINNING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE NORTH 00°42'44" WEST ALONG THE WEST LINE OF SECTION 28 A DISTANCE OF 1944.87 FEET, THENCE DEPARTING SAID WEST LINE NORTH 80°50'04" EAST A DISTANCE OF 1173.01 FEET, THENCE SOUTH 09°09'56" EAST A DISTANCE OF 1825.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 11°49'46", THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 206.46 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 03°15'03" EAST, A DISTANCE OF 206.01 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE NORTH 80°50'04" EAST A DISTANCE OF 200.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 545.00 FEET AND A CENTRAL ANGLE OF 12°15'15", THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, FROM WHICH THE LOCAL TANGENT AT THE BEGINNING POINT BEARS SOUTH 09°09'56" EAST, A DISTANCE OF 116.56 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 03°02'19" EAST, A DISTANCE OF 116.34 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE SOUTH 86°54'42" EAST A DISTANCE OF 166.65 FEET TO A POINT ON THE SOUTH LINE OF SECTION 28, THENCE SOUTH 89°01'23" WEST ALONG THE SOUTH LINE OF SECTION 28 A DISTANCE OF 1806.53 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 29 LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY, BEGINNING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE SOUTH 89°48'20" WEST ALONG THE SOUTH LINE OF SECTION 29 A DISTANCE OF 77.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, THENCE DEPARTING SAID SOUTH LINE OF SECTION 29 NORTH 09°09'56" WEST ALONG THE EAST LINE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY A DISTANCE OF 1911.73 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 80°50'04" EAST A DISTANCE OF 361.99 FEET TO A POINT ON THE EASTERLY LINE OF SECTION 29, THENCE SOUTH 00°42'44" EAST ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 1944.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD;

TOGETHER WITH THAT PORTION OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST; LYING EAST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY AND WEST OF U.S. HIGHWAY NO. 1;

LESS AND EXCEPT THE NE 1/4 OF NE 1/4 OF NW 1/4 OF SECTION 33;

ALSO LESS AND EXCEPT THE FOLLOWING PORTION OF SECTION 33, A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE SOUTH 00°40'43" EAST ALONG THE WEST LINE OF SECTION 33 A DISTANCE OF 515.56 FEET, THENCE DEPARTING SAID WEST LINE SOUTH 09°09'56" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (150'R/W) A DISTANCE OF 947.65 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH 86°20'16" EAST A DISTANCE OF 884.48 FEET, THENCE SOUTH 09°09'56" EAST A DISTANCE OF 3673.91 FEET TO A POINT ON THE SOUTH LINE OF SECTION 33, THENCE SOUTH 89°02'28" WEST ALONG SAID SOUTH LINE OF SECTION 33 A DISTANCE OF 871.33 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RAILROAD, THENCE NORTH 09°09'56" WEST A DISTANCE OF 3745.90 FEET TO THE POINT OF BEGINNING,

EXCEPTION CONTAINING 73.4488 ACRES OF LAND MORE OR LESS;

ALSO LESS AND EXCEPT THE FOLLOWING PORTION OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SAID GOVERNMENT

SECTION 33, THENCE SOUTH 00°40'43" EAST ALONG THE WEST LINE OF SECTION 33 A DISTANCE OF 515.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD, THENCE DEPARTING SAID WEST LINE OF SECTION 33, RUN SOUTH 09°09'56" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 509.76 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RAILROAD RIGHT-OF-WAY RUN NORTH 80°50'04" EAST A DISTANCE OF 375.00 FEET, THENCE SOUTH 09°09'56" EAST A DISTANCE OF 472.00 FEET TO A POINT ON A LINE LYING 10 FEET NORTH OF AND PARALLEL TO THE NORTHERLY LINE OF PEAVY GRADE ACCORDING TO EASEMENT OF PEAVY GRADE RECORDED AT OFFICIAL RECORDS BOOK 586, PAGES 1501 THROUGH 1512 AND OFFICIAL RECORDS BOOK 592, PAGES 382 THROUGH 395, THENCE NORTH 86°20'16" WEST ALONG SAID LINE BEING 10 FEET NORTH OF AND PARALLEL TO SAID NORTHERLY LINE OF PEAVY GRADE A DISTANCE OF 384.60 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD, THENCE DEPARTING SAID LINE AT PEAVY GRADE NORTH 09°09'56" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RAILROAD A DISTANCE OF 386.61 FEET TO THE POINT OF BEGINNING, EXCEPTION CONTAINING 3.6958 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY AND WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 89°02'28" EAST ALONG THE NORTH LINE OF SECTION 4 A DISTANCE OF 1564.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE NORTH 89°02'28" EAST ALONG THE NORTH LINE OF SECTION 4 A DISTANCE OF 1083.47 FEET TO THE NORTH QUARTER (1/4) CORNER OF SECTION 4, THENCE NORTH 89°24'09" EAST ALONG THE NORTH LINE OF SECTION 4 A DISTANCE OF 889.37 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE SOUTH 14°05'29" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 1857.38 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, HAVING A RADIUS OF 5829.65 FEET AND A CENTRAL ANGLE OF 08°41'49", THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 884.87 FEET, SAID ARC SUBTENDED BY A CHORD WHICH

BEARS SOUTH 18°26'24" EAST, A DISTANCE OF 884.02 FEET TO A POINT OF TANGENCY, THENCE SOUTH 22°47'18" EAST A DISTANCE OF 2192.67 FEET TO A POINT ON THE NORTH LINE OF PARCEL 800-08, OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING U.S. HIGHWAY NO. 1 SOUTH 67°12'42" WEST ALONG SAID NORTH LINE OF PARCEL 800-08 A DISTANCE OF 1558.51 FEET TO A POINT ON THE SOUTH LINE OF SECTION 4, THENCE DEPARTING SAID PARCEL 800-08 SOUTH 89°52'32" WEST ALONG THE SOUTH LINE OF SECTION 4 A DISTANCE OF 998.75 FEET TO THE SOUTH QUARTER (1/4) CORNER OF SECTION 4, THENCE SOUTH 89°51'30" WEST ALONG THE SOUTH LINE OF SECTION 4 A DISTANCE OF 1145.78 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RAILROAD, THENCE NORTH 09°09'56" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY A DISTANCE OF 3249.03 FEET TO THE SOUTHWEST CORNER OF PARCEL 800-07, OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING SAID RAILWAY NORTH 57°08'17" EAST ALONG THE SOUTH LINE OF PARCEL 800-07 A DISTANCE OF 941.81 FEET, THENCE NORTH 09°09'56" WEST ALONG THE EAST LINE OF PARCEL 800-07 A DISTANCE OF 1544.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY AND WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 89°07'56" EAST ALONG THE SOUTH LINE OF SECTION 9 A DISTANCE OF 2374.90 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (150' R/W) AND THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING THE SOUTH LINE OF SECTION 9, NORTH 09°09'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 5354.70 FEET TO A POINT ON THE NORTH LINE OF SECTION 9, THENCE DEPARTING SAID RAILWAY NORTH 89°51'30" EAST ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 9 A DISTANCE OF 1145.78 FEET TO THE NORTH QUARTER (1/4) CORNER OF SECTION 9, THENCE NORTH 89°52'32" EAST ALONG THE NORTH LINE OF SECTION 9 A DISTANCE OF 998.75 FEET TO A POINT ON THE NORTH LINE OF PARCEL 800-08, OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA,

THENCE SOUTH 67°12'42" WEST ALONG THE NORTH LINE OF PARCEL 800-08 A DISTANCE OF 441.49 FEET, THENCE SOUTH 22°47'18" EAST ALONG THE WEST LINE OF PARCEL 800-08 A DISTANCE OF 4506.98 FEET, THENCE SOUTH 67°38'10" WEST A DISTANCE OF 2524.88 FEET TO A POINT ON THE SOUTH LINE OF SECTION 9, THENCE SOUTH 89°07'56" WEST ALONG THE SOUTH LINE OF SECTION 9 A DISTANCE OF 295.30 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT WELL SITE SW-61, A 60'X60' PARCEL OF LAND WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, RECORDED IN OFFICIAL RECORDS BOOK 566, PAGE 872, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

ALSO LESS AND EXCEPT WELL SITE SW-62, A 60'x60' PARCEL OF LAND WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, RECORDED IN OFFICIAL RECORDS BOOK 566, PAGE 857, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY:

A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 89°07'56" EAST ALONG THE NORTH LINE OF SECTION 16 A DISTANCE OF 2374.90 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (150' R/W) AND THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE NORTH 89°07'56" EAST ALONG THE NORTH LINE OF SECTION 16 A DISTANCE OF 295.30 FEET TO A POINT ON THE NORTH LINE OF PARCEL 101, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE SOUTH 67°38'10" WEST A DISTANCE OF 300.13 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE NORTH 09°09'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 111.14 FEET TO THE POINT OF BEGINNING,

PARCEL CONTAINING 0.3728 ACRES OF LAND MORE OR LESS.

PARCEL 1001

A PARCEL OF LAND BEING A PORTION OF THAT LAND RECORDED IN OFFICIAL RECORDS BOOK 507, PAGES 1592 THROUGH 1609, LYING IN GOVERNMENT SECTIONS 9, 16, 17, 20, 21, 28, 29 AND 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF GOVERNMENT SECTION 9, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, AND SOUTH OF THE SOUTHERLY BOUNDARY LINE OF PARCEL CMP 2-17 RECORDED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND LYING WEST OF U.S. HIGHWAY NO. 1 IN GOVERNMENT SECTION 9, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 9 TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE SOUTH 89°30'58" WEST ALONG THE SOUTHERLY LINE OF SECTION 9 A DISTANCE OF 2657.97 FEET TO THE SOUTH QUARTER (1/4) CORNER OF SECTION 9, THENCE SOUTH 89°54'17" WEST ALONG THE SOUTH LINE OF SECTION 9 A DISTANCE OF 984.19 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE SOUTH 89°54'17" WEST ALONG THE SOUTHERLY LINE OF SECTION 9 A DISTANCE OF 74.52 FEET, THENCE DEPARTING SAID SOUTHERLY LINE OF SECTION 9 NORTH 08°29'47" WEST A DISTANCE OF 88.69 FEET, THENCE NORTH 20°56'30" EAST A DISTANCE OF 150.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, SOUTH 08°29'47" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 A DISTANCE OF 230.21 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH ALL THAT PART OF GOVERNMENT SECTION 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY, WEST OF THE RIGHT-OF-WAY FOR U.S. HIGHWAY NO. 1 AND SOUTH OF THE SOUTHERLY BOUNDARY LINE OF PARCEL CMP 2-17 RECORDED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;

ALSO TOGETHER WITH THAT PORTION OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1; ALSO TOGETHER WITH THAT PORTION OF SECTION 17, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY;

ALSO TOGETHER WITH THAT PORTION OF SECTION 20, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RIGHT-OF-WAY, WITHIN FLAGLER COUNTY, FLORIDA;

ALSO TOGETHER WITH THAT PORTION OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF U.S. HIGHWAY NO. 1.

LESS AND EXCEPT NE 1/4 OF NW 1/4 OF SECTION 21; LESS AND EXCEPT THAT PORTION OF SW 1/4 OF THE NE 1/4 LYING WEST OF U.S. HIGHWAY NO. 1, ALL WITHIN FLAGLER COUNTY, FLORIDA;

TOGETHER WITH THE FOLLOWING PORTION OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING WEST OF U.S. HIGHWAY NO. 1, BEGINNING AT THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE NORTH 89°16'00" EAST ALONG THE NORTH LINE OF SECTION 28 A DISTANCE OF 2630.60 FEET TO THE NORTH QUARTER (1/4) CORNER OF SECTION 28, THENCE NORTH 89°43'02" EAST ALONG THE NORTH LINE OF SECTION 28 A DISTANCE OF 327.52 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE SOUTH 09°59'31" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1758.89 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 80°00'29" WEST A DISTANCE OF 325.00 FEET, THENCE NORTH 09°59'31" EAST A DISTANCE OF 217.87 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 34°08'45", THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 89.39 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 07°04'51" WEST A DISTANCE OF 88.08 FEET TO A POINT OF TANGENCY, THENCE NORTH 24°09'13" WEST A DISTANCE OF 667.23 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90°00'00", THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 78.54 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 69°09'13" WEST A DISTANCE OF 70.71 FEET TO A POINT OF TANGENCY, THENCE SOUTH 65°50'47" WEST A DISTANCE OF 560.00 FEET, THENCE NORTH 24°09'14" WEST A DISTANCE OF 267.00 FEET, THENCE SOUTH 65°50'47" WEST A DISTANCE OF 898.31 FEET, THENCE SOUTH 80°50'46" WEST A DISTANCE OF 573.62 FEET, THENCE NORTH 00°42'44" WEST ALONG THE WEST LINE OF SECTION 28 A DISTANCE OF 1149.03 FEET TO THE POINT OF BEGINNING;

ALSO TOGETHER WITH THE FOLLOWING PORTION OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 30 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE SOUTH 00°42'44" EAST ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 1149.03 FEET, THENCE DEPARTING SAID LINE SOUTH 80°50'46" WEST A DISTANCE OF 496.86 FEET, THENCE SOUTH 09°09'14" EAST A DISTANCE OF 35.17 FEET, THENCE SOUTH 80°50'47" WEST A DISTANCE OF 180.00 FEET TO A POINT ON THE EAST LINE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, THENCE NORTH 09°09'13" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1302.51 FEET, THENCE NORTH 89°38'15" EAST ALONG THE NORTH LINE OF SECTION 29 A DISTANCE OF 855.58 FEET TO THE POINT OF BEGINNING.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 9-13-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Florida Land and Water Adjudicatory Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Saliba, Florida Land and Water Adjudicatory Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

REGIONAL UTILITY AUTHORITIES

Big Bend Water Authority

RULE NOS.:	RULE TITLES:
49E-1.001	Agency Description
49E-1.002	Registered Office, Office Hours and Copies of Documents
49E-1.003	Boundaries
49E-1.004	Statutes and Rules Affecting Agency Operations
49E-1.005	Delegation of Authority by the Board of Directors
49E-1.006	Designation of Agency Clerk and Official Reporter
49E-1.007	Maintenance of Records
49E-1.008	General Description of Agency Operations
49E-1.009	Adoption of Model Rules of Procedure
49E-1.010	Public Information and Inspection and Copying of Records

PURPOSE AND EFFECT: To establish rules for the Big Bend Water Authority.

SUMMARY: Organizational Rules.

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.

SPECIFIC AUTHORITY: 163.01, 373.1962, 119.021, 120.53, 119.07, 118.416 FS.

LAW IMPLEMENTED: 120.53, 163.01, 189.416, 119.021, 120.525, 120.565, 120.569, 120.57 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 7 days before the workshop/meeting by contacting: Jo Hiers. 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: Jo Hiers

THE FULL TEXT OF THE PROPOSED RULES IS:

49E-1.001 Agency Description.

(1) The Big Bend Water Authority is a public body authorized by Section 373.1962, Florida Statutes. It was created by Interlocal Agreement pursuant to Section 163.01, Florida Statutes. The counties of Dixie and Taylor are the Parties to that agreement.

(2) The Board of Directors is the head of the Big Bend Water Authority. The Board consists of three (3) representatives of each of the Parties, and each representative is appointed by and serves at the pleasure of the governing body of the Parties. A seventh board member is elected by the six (6) appointed representatives. The Board's officers consist of a Chairman, Vice-Chairman, Secretary and Treasurer, each of whom shall serve for a term of one (1) year, or until their respective successor is elected and qualified. The Board is vested with all the powers of the authority.

(3) The General Manager is the Chief Executive Staff Officer of the Big Bend Water Authority, who serves at the pleasure of the Board of Directors. The General Manager administers the Big Bend Water Authority, organizes staff efforts and employs necessary staff with Board approval.

(4) The General Counsel is the Chief Legal Officer of the Big Bend Water Authority, and also serves at the pleasure of the Board of Directors. The General Counsel provides legal advice and support to the Board of Directors and the General Manager.

Specific Authority 163.01, 373.1962 FS. Law Implemented 120.53 FS. History--New _____.

49E-1.002 Registered Office, Office Hours and Copies of Documents.

(1) The registered office of the Big Bend Water Authority is:

1313 First Avenue S. E.
Steinhatchee, Florida 32359

(2) Office Hours: Office hours are 8:00 a.m. to 4:00 p.m. each weekday, except holidays.

(3) Copies of documents: Information or requests for copies of Rules, Orders, Publications or Documents issued by the Big Bend Water Authority may be obtained in accordance with Rule 49E-1.010, F.A.C.

Specific Authority 163.01(5) FS. Law Implemented 163.01(5), 189.416 FS. History--New _____.

49E-1.003 Boundaries.

The boundaries of the Big Bend Water Authority shall consist of a portion of the unincorporated area of Taylor County, Florida, known generally as the Steinhatchee community, and a portion of the unincorporated areas of Dixie County, Florida, known generally as Jena and Rocky Creek. The legal description of the service area specifically consists of:

A governmental utility service area in Sections 20, 21, 28, 29, 30, 31, 32, 33, 34, Township 8 South, Range 10 East, Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32, 33, Township 9 South, Range 10 East, Sections 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36, Township 9 South, Range 9 East, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, Township 10 South, Range 9 East, Sections 4, 5, 6, 7, 8, 18, Township 10 South, Range 10 East, all lands lying east of the Gulf of Mexico. The perimeter being more particularly described as follows:

Commence at the intersection of the West line of Section 27, Township 9 South, Range 9 East and the Gulf of Mexico for a point of beginning; thence run North along the West line of said Section 27, to the SW corner of Section 22; thence run north along the west line of said Section 22 to the SW corner of Section 15; thence run north along the west line of said Section 15 to the NW corner of said Section 15; thence run east along the north line of said Section 15 to the NW corner of Section 14; thence run east along the north line of said Section 14 to the SW corner of Section 12; thence run north along the west line of said Section 12 to the NW corner of said

Section 12; thence run east along the north line of said Section 12 to the SW corner of Section 6, Township 9 South, Range 10 East; thence run north along the west line of said Section 6 to the SW corner of Section 31, Township 8 South, Range 10 East; thence run north along the west line of said Section 31 to the SW corner of Section 30; thence run north along the west line of said Section 30 to the NW corner of said Section 30; thence run east along the north line of said Section 30 to the SW corner of Section 20; thence run north along the west line of said Section 20 to the NW corner of said Section 20; thence run east along the north line of said Section 20 to the NW corner of Section 21; thence run east along the north line of said Section 21 to the NE corner of said Section 21; thence run south along the east line of said Section 21 to the NE corner of Section 28; thence run south along the east line of said Section 28 to the NW corner of Section 34; thence run east along the north line of said Section 34 to the NE corner of said Section 34; thence run south along the east line of said Section 34 to the NE corner of Section 3, Township 9 South, Range 10 East; thence run south along the east line of said Section 3 to the NW corner of Section 11; thence run east along the north line of said Section 11 to the NE corner of said Section 11; thence run south along the east line of said Section 11 to the NE corner of Section 14; thence south along the east line of said Section 14 to the SE corner of said Section 14; thence run west along the south line of said Section 14 to the NE corner of Section 22; thence run south along the east line of said Section 22 to the SE corner of said Section 22; thence run west along the south line of said Section 22 to the NE corner of Section 28, thence run south along the east line of said Section 28 to the NE corner of Section 33; thence run south along the east line of said Section 33 to the NE corner of Section 4, Township 10 South, Range 10 East; thence run south along the east line of said Section 4 to the SE corner of said Section 4; thence run west along the south line of said Section 4 to the NE corner of Section 8; thence run south along the east line of said Section 8 to the SE corner of said Section 8; thence run west along the south line of said Section 8 to the NE corner of Section 18; thence run south along the east line of said Section 18 to the SE corner of said Section 18; thence run west along the south line of said Section 18 to the NE corner of Section 24, Township 10 South, Range 9 East; thence run south along the east line of said Section 24 to the SE corner of said Section 24; thence run west along the south line of said Section 24 to the SE corner of Section 23; thence run west along the south line of said Section 23 to the SE corner of Section 22; thence run west along the south line of said Section 22 to the Gulf of Mexico; thence meander northerly along the Gulf of Mexico to the

point of beginning. All lands north of the Steinhatchee River lying in Taylor County and all lands lying south of the Steinhatchee River lying in Dixie County, Florida.

Specific Authority 163.01, 373.1962 FS. Law Implemented 120.53 FS. History--New _____.

49E-1.004 Statutes and Rules Affecting Agency Operations.

Pursuant to Sections 373.1962 and 163.01, Florida Statutes, the Big Bend Water Authority has responsibility for developing, storing and supplying water and treating wastewater for public and private purposes in such a manner as will give priority to reducing adverse and environmental effects of excessive or improper withdrawals from concentrated areas. In carrying out this responsibility, the Big Bend Water Authority is especially affected by Chapters 373 and 403, Florida Statutes, and Chapters 40D and 62, F.A.C.

Specific Authority 163.01, 373.1962 FS. Law Implemented 120.53, FS. History--New _____.

49E-1.005 Delegation of Authority by the Board of Directors.

The Board of Directors, as head of the Big Bend Water Authority has delegated authority as follows:

(1) To the General Manager to hire or terminate the employment of any employee with the consent of the Chairman, or in his absence, the Vice Chairman; to recommend and maintain personnel rules which shall be made available for public inspection; to secure services, labor or material costing \$1,000 or less; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; to represent the Big Bend Water Authority at public hearings; to serve as the Registered Agent of the Big Bend Water Authority.

(2) It is recognized that in making the foregoing delegations of authority, that the Board shall continue to retain and exercise general supervisory authority over the matters stated therein.

Specific Authority 163.01(5), 373.1962 FS. Law Implemented 120.53 FS. History--New _____.

49E-1.006 Designation of Agency Clerk and Official Reporter.

(1) The General Manager shall serve as the Big Bend Water Authority's Clerk. The Clerk has responsibility for filing all final agency decisions. The Clerk shall indicate the date of filing on the decision. The Clerk also has responsibility for filing all notices of appeal and for preparation of the record in all judicial reviews of agency actions pursuant to Section 120.68, Florida Statutes.

(2) The Big Bend Water Authority designates Judicial Administrative Research Associates, Inc. (JARA) and Florida Administrative Law Reports, Inc. (FALR), publishers of the

Florida Administrative Law Reports, as its official reporter for the purpose of publishing and indexing by subject matter all authority orders rendered after a proceeding which affects substantial interests has been held.

Specific Authority 163.01, 373.1962 FS. Law Implemented 120.53 FS. History--New _____.

49E-1.007 Maintenance of Records.

Final Orders that comprise final agency action and that must be indexed or listed pursuant to this Chapter shall be permanently maintained by the Big Bend Water Authority pursuant to the retention scheduled approved by the Department of State, Division of Library and Information Services.

Specific Authority 119.021, 120.53 FS. Law Implemented 119.021 FS. History--New _____.

49E-1.008 General Description of Agency Operations.

The Big Bend Water Authority's staff is essentially composed of employees needed to operate and maintain the facilities of the Authority and an administrative staff needed to support operations, planning, design and construction of facilities. All employees of the Authority report to the General Manager. The internal structure of the staff is periodically reviewed by the General Manager and presented graphically on an organizational chart.

(1) The General Manager exercises those powers and duties delegated pursuant to subsection 49E-1.005, F.A.C. Additional functions carried out by personnel located in the General Manager's office include the recordation of Board minutes, preparation of all necessary notices and agendas, scheduling of workshops and meetings, certification of the authenticity of documents and filing of all final Agency decisions and notices of appeal.

(2) The General Manager is also responsible for supervising the planning and construction of new facilities and the modification of existing facilities, and providing supervisory oversight for the operation of those facilities operated by the Big Bend Water Authority.

(3) Outside professional accountants may assist the General Manager in keeping the Authority's financial records, preparing its financial statements and reports, and in preparing its proposed budgets and the annual financial audit.

Specific Authority 163.01, 373.1962 FS. Law Implemented 120.53 FS. History--New _____.

49E-1.009 Adoption of Model Rules of Procedure.

The Big Bend Water Authority adopts by reference the following Model Rules of Procedure of the Administration Commission:

(1) Chapter 2A-102, F.A.C., Agenda and Scheduling Meetings and Workshops.

(2) Chapter 2A-103, F.A.C., Rulemaking Proceedings.

(3) Chapter 2A-105, F.A.C., Declaratory Statements.

(4) Chapter 2A-106, F.A.C., Decisions Determining Substantial Interest.

Specific Authority 163.01, FS. Law Implemented 120.525, 120.565, 120.569, 120.57 FS. History--New _____.

49E-1.010 Public Information and Inspection and Copying of Records.

(1) Requests for information, disclosure of public records or copies of public records shall be directed to the General Manager of the Big Bend Water Authority at the following address:

1313 First Avenue S. E.
Steinhatchee, Florida 32359

(2) The Big Bend Water Authority will charge \$0.15 per page for standard legal or letter size copies and \$0.20 per page for two-sided copies. If special equipment, paper, materials, or services are required for reproduction for requested copies, the Big Bend Water Authority shall charge the estimated actual cost for making the copies.

(3) In addition to the actual cost of materials and supplies, a special service charge will be assessed for providing information or documents when the nature or volume of the records requested requires extensive clerical or supervisory assistance by the Big Bend Water Authority personnel. For the purpose of this Rule, "extensive" means that it will take more than fifteen (15) minutes to locate, review for confidential or exempt information, copy, and refile the requested material. The special service charge will be computed to the nearest quarter for an hour exceeding fifteen (15) minutes based on the current rate of pay for the pay grade of the person who performed the service and will be assessed when appropriate regardless of the number of individual copies made. The Big Bend Water Authority shall also charge for the cost of mailing the requested records or copies including the cost of the envelope or container and postal service or other delivery charge.

(4) Payment of costs assessed in subsection (2) and (3) above must be received before copies will be provided.

Specific Authority 163.01(5), 119.07(1), 189.416 FS. Law Implemented 163.01(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael P. Spellman, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Cake, Chairman of Board of Directors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The purpose and effect is to update the percentage of gross pilotage assessed.

SUMMARY: The percentage of gross pilotage assessed is updated.

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.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~eight tenths one tenth~~ of one percent (.8% ~~1%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

THIS RULE SHALL TAKE EFFECT ON JULY 1, 2008.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History--New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 8-1-07, 12-16-07, 7-1-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

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

RULE NO.: 62-304.505
RULE TITLE: Middle St. Johns River TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations. The TMDLs to be adopted through this rule are for the Wekiva River (including Wekiwa Spring) and Rock Springs Run (nitrate and total phosphorus), Little Wekiva Canal (total nitrogen, total phosphorus, and biochemical oxygen demand), Little Wekiva Canal and Little Wekiva River (fecal coliform), Spring Lake (total nitrogen and total phosphorus), Lake Florida (total nitrogen and total phosphorus), Lake Orienta (total nitrogen and total phosphorus), Lake Adalaide (total nitrogen and total phosphorus), Lake Lawne (total nitrogen and total phosphorus), Silver Lake (total nitrogen and total phosphorus), and Bay Lake (total nitrogen and total phosphorus).

SUMMARY: These TMDLs address the nutrient impairments in the Wekiva River (including Wekiwa Spring), Rock Springs Run, Spring Lake, Lake Florida, Lake Orienta, Lake Adalaide, Lake Lawne, Silver Lake, and Bay Lake, nutrient and dissolved oxygen impairments in the Little Wekiva Canal, and fecal coliform impairment in the Little Wekiva Canal and the Little Wekiva River, which were verified as impaired using the methodology established in Chapter 62-303, Identification of Impaired Surface Waters, Florida Administrative Code. The percent reduction method was used to develop the nitrate and total phosphorus TMDLs for the Wekiva River (including Wekiwa Spring) and Rock Springs Run, the Watershed Management Model (WMM), and Bathtub Model were used to simulate the total nitrogen and total phosphorus TMDLs for

Spring Lake, Lake Florida, Lake Orienta, Lake Adalaide, Lake Lawne, Silver Lake, and Bay Lake. The United States Environmental Protection Agency Storm Water Management Model (SWMM) was used to simulate the BOD, total nitrogen, and total phosphorus TMDLs for Little Wekiva Canal. The load duration analysis method was used to develop the fecal coliform TMDLs for the Little Wekiva Canal and the Little Wekiva River.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department does not plan to prepare a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.062, 403.067 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: May 15, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Lab Building, Room A204, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.505 Middle St. Johns River Basin TMDLs.

(1) Wekiwa Spring. The Total Maximum Daily Loads for Wekiwa Spring are to achieve 0.286 mg/L nitrate and 0.065 mg/L total phosphorus for the discharge from Wekiwa Spring, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 79% reduction of nitrate and a 64% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are a 79% reduction of nitrate and a 64% reduction of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(2) Wekiva River Upstream Segment. The Total Maximum Daily Loads for the Wekiva River Upstream Segment are to achieve 0.286 mg/L nitrate and 0.065 mg/L total phosphorus in the stream segment, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources are 2,805 lbs/month of nitrate and 40 lbs/month of total phosphorus. The wasteload allocations are granted to the Wekiva Hunt Club Wastewater Treatment Facility.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 68% reduction of nitrate and a 61% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are a 68% reduction of nitrate and a 61% reduction of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(3) Wekiva River Downstream Segment. The Total Maximum Daily Loads for the Wekiva River Downstream Segment are to achieve 0.286 mg/L nitrate and 0.065 mg/L total phosphorus in the stream segment, and are allocated as follows:

(a) The Wasteload Allocations for wastewater sources are 572 lbs/month of total nitrogen and 191 lbs/month of total phosphorus granted to the SCES/Yankee Lake Wastewater Reclamation Facility, and 91 lbs/month of nitrate and 26 lbs/month of total phosphorus granted to the Altamonte Springs Regional Wastewater Reclamation Facility.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 47% reduction of nitrate and a 57% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are a 47% reduction of nitrate and a 57% reduction of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(4) Rock Springs. The Total Maximum Daily Loads for Rock Springs are to achieve 0.286 mg/L nitrate and 0.065 mg/L total phosphorus for the discharge from Rock Springs, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 81% reduction of nitrate and a 23% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are a 81% reduction of nitrate and a 23% reduction of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(5) Rock Springs Run. The Total Maximum Daily Loads for Rock Springs Run are to achieve 0.286 mg/L nitrate and 0.065 mg/L total phosphorus in the stream segment, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 63% reduction of nitrate and a 58% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are a 63% reduction of nitrate and a 58% reduction of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(6) Little Wekiva Canal dissolved oxygen TMDL. The Total Maximum Daily Loads to address the low dissolved oxygen condition in Little Wekiva Canal are 76,554 lbs/year of biochemical oxygen demand and 42, 624 lbs/year total nitrogen, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 11% reduction of biochemical oxygen demand and a 45% reduction of total nitrogen based on data in the period from 1997 through 2005.

(c) The Load Allocations for nonpoint sources are 76,554 lbs/year of biochemical oxygen demand and 42, 624 lbs/year total nitrogen based on data in the period from 1997 through 2005, and

(d) The Margin of Safety is implicit.

(7) Fecal Coliform TMDL for Little Wekiva Canal and Little Wekiva River: The Total Maximum Daily Load is an annual median of 2.06×10^{11} colonies/day and is allocated as follows:

(a) The Wasteload Allocation for the City of Altamonte Springs Regional Wastewater Reclamation Facility is 1.19×10^8 colonies/day.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to

address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 through 2003 period, will require a 43% reduction at sources contributing to exceedances of the criteria.

(c) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 through 2003 period, will require a 43% reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(8) Spring Lake. The Total Maximum Daily Loads for Spring Lake are 8,551 lbs/year of total nitrogen and 641 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 30% reduction of total nitrogen and a 65% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 8,551 lbs/year of total nitrogen and 641 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(9) Lake Florida. The Total Maximum Daily Loads for Lake Florida are 8,377 lbs/year of total nitrogen and 571 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 34% reduction of total nitrogen and a 69% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 8,377 lbs/year of total nitrogen and 571 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(10) Lake Orienta. The Total Maximum Daily Loads for Lake Orienta are 6,092 lbs/year of total nitrogen and 451 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 42% reduction of total nitrogen and a 74% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 6,092 lbs/year of total nitrogen and 451 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(11) Lake Adelaide. The Total Maximum Daily Loads for Lake Adelaide are 3,003 lbs/year of total nitrogen and 228 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 40% reduction of total nitrogen and a 72% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 3,003 lbs/year of total nitrogen and 228 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(12) Lake Lawne. The Total Maximum Daily Loads for Lake Lawne are 21,692 lbs/year of total nitrogen and 2,005 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 26% reduction of total nitrogen and a 49% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 21,692 lbs/year of total nitrogen and 2,005 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(13) Silver Lake. The Total Maximum Daily Loads for Silver Lake are 6,241 lbs/year of total nitrogen and 370 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 24%

reduction of total nitrogen and a 70% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 6,241 lbs/year of total nitrogen and 370 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

(14) Bay Lake. The Total Maximum Daily Loads for Bay Lake are 1,428 lbs/year of total nitrogen and 109 lbs/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable.

(b) The Wasteload Allocations for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program are a 39% reduction of total nitrogen and a 66% reduction of total phosphorus based on data in the period from 1996 through 2006.

(c) The Load Allocations for nonpoint sources are 1,428 lbs/year of total nitrogen and 109 lbs/year of total phosphorus based on data in the period from 1996 through 2006, and

(d) The Margin of Safety is implicit.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary Regulatory Programs and Energy, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.:	RULE TITLE:
64B11-5.0065	Exemption of Spouse of Member of Armed Forces from License Renewal Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the exemption of a spouse of a member of the armed forces from license renewal requirements.

SUMMARY: The rule amendment will clarify the exemption of a spouse of a member of the armed forces from license renewal requirements.

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.

SPECIFIC AUTHORITY: 456.024(2), 468.204, 468.219 FS.

LAW IMPLEMENTED: 456.024(2), 468.219 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, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2), 468.204, 468.219 FS. Law Implemented 456.024(2), 468.219 FS. History–New 12-21-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2008

VIOLATIONS

(a) CME violations Podiatrist.
(Section 456.077(2) and 461.013(1)(w), F.S.).

1. Failure to document 40 of the 40 required hours.

2. Failure to document required two (2) hour medical errors, HIV/AIDS, Florida laws and rules, or risk management CME.

3. Documentation of some, but not all 40 hours of required CME for license renewal.

(b) CME violations: Podiatric X-ray Assistant
Failure to document required eight (8) hour recertification course.

(c) Practice on a delinquent license for a period of up to three months.
(Sections 461.012(1)(a) and

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.010 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and penalties.

SUMMARY: Violations and penalties will be updated.

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.

SPECIFIC AUTHORITY: 456.072, 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:

PENALTY

\$5,000 fine and reprimand

\$500 fine per category

\$125 fine for each hour not documented

\$150 fine

\$500 fine for Podiatrist;
\$150 fine for Podiatric X-ray Assistant

- 461.013(1)(w), F.S.)
(d) Failure to notify Department of change of current mailing address and place of practice.
(Sections 461.013(1)(h) and 456.035(1), F.S.) \$500 fine for Podiatrist;
\$150 fine for Podiatric X-ray Assistant
- (e) Failure to provide medical record of one patient in a timely manner.
(Section 456.057, F.S.) \$500 fine and proof records were provided
- (f) Failure to provide the disclaimer required for free or discounted services.
(Sections 456.062, 456.077(2) and 461.013(1)(w), F.S.) \$500 fine
- (g) Soliciting patients.
(Sections 456.072(1)(x), 456.077(2), 461.013(1)(k), and 461.013(1)(w), F.S.) \$500 fine
- (h) Tendering a check payable to the Board of Podiatric Medicine or to the Department of Health that is dishonored by the institution upon which it is drawn. Failure to comply with the requirements of profiling or credentialing.
(Section 456.072(1)(v) and 456.077(2), F.S.) \$100 fine and payment of the check within 30 days ~~\$500 fine~~
- (i) Failure to pay the one time assessment fee of \$375.00 Citation fine of \$500.00 plus payment of cost and the \$375.00 assessment fee.
- (j) Failure to pay required costs and fines.
(Section 456.077(2), F.S.) \$2,500 fine and compliance of outstanding costs and fines within sixty days
- (k) Failure to comply with Sections 381.026 and 381.0261, F.S., referencing patients bill of rights. \$250 fine and compliance within ten days
- (Section 456.077(2), F.S.)
- (l) Failure to submit or update profiling or credentialing information ~~comply with~~ a fine of \$50.00 per day
(Sections 456.039(3)(b) and ~~(Section~~ 456.077(2), F.S.)
- (m) 381.0261, F.S., referencing patients bill of rights.
(Section 456.077(2), F.S.)

(4) through (5) No change.

Specific Authority 456.072, 456.077, 461.005 FS. Law Implemented 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS. History--New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, 6-14-06, 10-11-06, 10-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.0075
RULE TITLE: Biennial Limited License Renewal Fee

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to establish the limited license renewal fee.

SUMMARY: The rule promulgation will establish the fee for a limited license renewal.

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.

SPECIFIC AUTHORITY: 456.036(3) FS.

LAW IMPLEMENTED: 456.036(3) 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, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0075 Biennial Limited License Renewal Fee.
The fee for renewal of a limited license is \$25.00.

Specific Authority 456.036(3) FS. Law Implemented 456.036(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.0085
RULE TITLE: Delinquency Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to add a delinquency fee for the limited license and to clarify language concerning delinquency fees for licensees.

SUMMARY: A delinquency fee for a limited license will be added to the rule; language will be clarified regarding delinquency fees for licensees.

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.

SPECIFIC AUTHORITY: 456.036(7) FS.

LAW IMPLEMENTED: 456.036(7) 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, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0085 Delinquency Fee.

If an active or inactive license ~~license~~ is not renewed on time, the licensee shall pay a delinquency fee of \$400.00. If a limited license is not renewed on time, the licensee shall pay a delinquency fee of \$25.00.

Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History--New 1-7-96, Formerly 59AA-12.0085, Amended 8-8-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-3.018
RULE TITLE: One Time Fee Assessment

PURPOSE AND EFFECT: The Department wants to create a rule to establish a one time fee assessment.

SUMMARY: The rule requires licensees to pay a one time fee of \$250.00 and provides for notification of the fee assessment.

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.

SPECIFIC AUTHORITY: 456.025(5), 467.005, 467.0135 FS.

LAW IMPLEMENTED: 456.025(5) 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: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.018 One Time Fee Assessment.

(1) Each person with a license to practice midwifery under Chapter 467, F.S., issued on or before December 15, 2008, shall pay a one-time fee of \$250.00 to the Council of Licensed Midwifery to be received by the department no later than midnight on December 31, 2008. The fee must be paid by licensees, including those with licenses on inactive or

delinquent status, regardless of discipline imposed including suspension, but does not apply to those with a temporary certificate or retired status.

(2) Failure to timely pay the one-time assessment is a violation of Section 467.203(1)(j), F.S., and this rule. After December 31, 2008, no delinquent or inactive status license shall be reinstated or reactivated until the fee is paid.

(3) The department shall notify licensees of the assessment by postcard at their address of record no later than August 1, 2008, but not receiving notice does not excuse a failure to comply. The licensure application package shall include notice or a copy of this rule for those who are licensed between August 1 and December 15, 2008.

Specific Authority 456.025(5), 467.005, 467.0135 FS. Law Implemented 456.025(5) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela King

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-9.001	Applicability
65E-9.002	Definitions
65E-9.003	Licensure
65E-9.005	Operating Standards
65E-9.006	Program Standards
65E-9.007	Staffing
65E-9.008	Admission
65E-9.011	Discharge and Discharge Planning
65E-9.012	Rights of Children
65E-9.013	Restraint, Seclusion, and Time-Out

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the current rule to correct technical errors and statutory changes and to modify sections related to definitions, licensure, operating and program standards; staffing and admissions criteria, rights of children, and restraints and use of seclusion.

SUMMARY: These rules shall apply to all residential treatment centers, including therapeutic group homes under contract with the department or the agency to provide treatment services to children with emotional disturbances who are admitted to services pursuant to Chapter 39 or Chapter 394, Florida Statutes. These rules shall also apply to providers serving children through age 20 who have been committed to the department under Chapter 985.19, 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.

SPECIFIC AUTHORITY: 39.407, 394.875(8) FS.

LAW IMPLEMENTED: 394.875 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: Michael Sorrell, Medicaid Program Analyst, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 293, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-9.001 Applicability.

These rules shall apply to all residential treatment centers, including therapeutic group homes under contract with the department or the agency to provide treatment services to children with an emotional disturbance or serious emotional disturbance who are admitted to services pursuant to Chapter 39 or Chapter 394, F.S. These rules shall also apply to providers that serve children through age 20 who are committed under Chapter 985.19 ~~223~~, F.S.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended _____.

65E-9.002 Definitions.

(1) through (21) No change.

(22) “Multidisciplinary team” means the group of individuals brought together to plan and coordinate mental health and related services to meet the needs of the child and their family in the most appropriate, least restrictive setting. Members of the team should include the child, unless clinically contraindicated, the child’s parent or legal guardian and other caregiver, such as the foster parent; the child welfare service worker; the child’s therapist, behavioral analyst, the child’s Individual Education Plan surrogate and others who have information or services to offer for the child’s treatment plan.

(22) through (27) renumbered (23) through (28) No change.

~~(29)(28)~~ “Residential treatment center” means a 24-hour residential program, including a therapeutic group home which provides mental health treatment and services to children as defined in Section 394.492(2) or (6), F.S., and which is a private for-profit or not-for-profit corporation ~~under contract~~

~~with the department or the agency.~~ This rule does not change the Chapter 419, F.S., designation of a program as a “community residential home.”

(29) through (38) renumbered (30) through (39) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended _____.

65E-9.003 Licensure.

(1) through (3) No change.

(4) Initial license – New construction, new operation, or change of licensed operator. Applicants for an initial license shall submit the most current a completed AHCA Form 3180-5004, ~~June 2004~~, “Residential Treatment Centers for Children and Adolescents,” which is incorporated by reference and may be obtained from the agency. The application must be submitted to the agency at least 60 days prior to the date the facility would be available for inspection. The applicant shall provide all the information required by Sections 394.875 and 394.876, F.S., and any other information determined to be needed by the agency. The application shall be under oath and must be accompanied by the appropriate license fee in order to be accepted and considered timely. The following information shall be submitted with the application.

(4)(a) through (g)8. No change.

~~9. A copy of the current signed contract with the department.~~

~~9.10. For F~~ facilities that would be considered a community residential home under Chapter 419, F.S., who are being licensed for the first time or existing facilities that have changed location or ownership shall provide a completed DCF Form 1786, “Community Residential Home Sponsor Form,” which is incorporated by reference and may be obtained from the department. For all other residential treatment centers, being licensed for the first time or who have changed location or ownership shall provide a report or letter from the zoning authority dated within the last six months indicating the street location is zoned appropriately for its use.

~~10.44.~~ A copy of the center's occupational license.

(5) through (7)(a) No change.

(b) All applicants shall submit an application on the most current version of AHCA Form 3180-5004, ~~June 2004~~, “Residential Treatment Centers for Children and Adolescents Application”, which is incorporated by reference, which is provided by the AHCA. The application is available on the agency's web site at [http://www.ahca.acha-myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/ index.shtml](http://www.ahca.acha-myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/index.shtml). The application shall include: all information required by Sections 394.875 and 394.876, F.S., and any other information determined to be needed by the agency; and

(c) through (18) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended _____.

65E-9.004 Administrative Enforcement.

(1) through (3) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06.

65E-9.005 Operating Standards.

(1) through (3)(d) No change.

(e) Fees. ~~A For children placed by the department and funded in full or in part by state, Medicaid, or local matching funds,~~ a sliding fee schedule shall be developed consistent with the provisions Section 394.674(4), F.S. If fees are charged, the provider shall have a written policy describing the relationships between fees and services provided and the conditions under which fees are charged or waived. This policy shall be available to any person upon request.

(f) through (9) No change.

(10) Disaster and emergency preparedness.

(a) EMERGENCY PLAN COMPONENTS. Each facility shall prepare a written comprehensive emergency management plan in accordance with CF-MH 1065, “Emergency Management Planning Criteria for Residential Treatment Facilities,” dated 08/2007, which is incorporated by reference. This document is available on the Department’s website at <http://www.dcf.state.fl.us/publications/eforms/mh1065>. The comprehensive emergency management plan must, at a minimum address the following: The provider shall develop and implement on an ongoing basis procedures for fire and other emergencies including bomb threats, weather emergencies such as tornadoes and hurricanes. Disaster preparedness and evacuation procedures, that address where and how children are transported during disasters, staffing, notification of families and the department, and how the provider shall obtain and provide general and specialized medical, surgical, psychiatric, nursing, pharmaceutical, and dental services, shall be reviewed and approved by the county emergency management agency where the facility is located.

1. Provision for all hazards.

2. Provision for the care of residents remaining in the facility during an emergency including pre-disaster or emergency preparation; protecting the facility; supplies; emergency power; food and water; staffing; and emergency equipment.

3. Provision for the care of residents who must be evacuated from the facility during an emergency including identification of such residents and transfer of resident records; evacuation transportation; sheltering arrangements; supplies; staffing; emergency equipment; and medications.

4. Provision for the care of additional residents who may be evacuated to the facility during an emergency including the identification of such residents, staffing, and supplies.

5. Identification of residents with mobility limitations who may need specialized assistance either at the facility or in case of evacuation.

6. Identification of and coordination with the local emergency management agency.

7. Arrangement for post-disaster activities including responding to family inquiries, obtaining medical intervention for residents; transportation; and reporting to the county office of emergency management the number of residents who have been relocated and the place of relocation.

8. The identification of staff responsible for implementing each part of the plan.

(b) Evacuation routes shall be posted in conspicuous places and reviewed with staff and children on a semi-annual basis. Evidence of these periodic reviews shall be maintained in the facility's files and available upon request.

(c) EMERGENCY PLAN APPROVAL. The plan shall be submitted for review and approval to the county emergency management agency.

1. Any revisions must be made and the plan resubmitted to the county office of emergency management within 30 days of receiving notification from the county agency that the plan must be revised.

2. Newly-licensed facility and facilities whose ownership has been transferred, must submit an emergency management plan within 30 days after obtaining a license.

3. The facility shall review its emergency management plan on an annual basis. Any substantive changes must be submitted to the county emergency agency for review and approval.

a. Changes in the name, address, telephone number, or position of staff listed in the plan are not considered substantive revisions for the purposes of this rule.

b. Changes in the identification of specific staff must be submitted to the county emergency management agency annually as a signed and dated addendum that is not subject to review and approval.

4. Any plan approved by the county emergency management agency shall be considered to have met all the criteria and conditions established in this rule.

(d) PLAN IMPLEMENTATION. In the event of an internal or external disaster the facility shall implement the facility's emergency management plan in accordance with Section 252.36, F.S.

1. All staff must be trained in their duties and are responsible for implementing the emergency management plan.

2. If telephone service is not available during an emergency, the facility shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

(e) FACILITY EVACUATION. The facility must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

1. The facility shall report the evacuation to the local office of emergency management or designee and to the area Department of Children Mental Health Program Office within six hours of the evacuation order and when the evacuation is complete if the evacuation is not completed within the six hour period.

2. The facility shall not be re-occupied until the area is cleared for reentry by the local emergency management agency or its designee and the facility can meet the immediate needs of the residents.

3. A facility with significant structural damage must relocate residents until the facility can be safely re-occupied.

4. The facility is responsible for knowing the location of all residents until the resident has been relocated from the facility.

5. The facility shall provide the agency with the name of a contact person who shall be available by telephone 24-hours a day, seven days a week, until the facility is re-occupied.

6. The facility shall assist in the relocation of residents and shall cooperate with outreach teams established by the Department of Health or emergency management agency to assist in relocation efforts. Resident needs and preferences shall be considered to the extent possible in any relocation decision.

(11) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History--New 7-25-06, Amended.

65E-9.006 Program Standards.

(1) through (2)(c) No change.

(3) Treatment and services.

(a) Treatment shall be individualized, child and family centered, culturally competent, and based on the child's assessed strengths, needs, and presenting problems that precipitated admission to the program.

(b) Treatment services shall be provided as part of an individualized written treatment services plan that complies with Rule 65E-9.009, F.A.C., of this rule.

(c) through (4)(g) No change.

(5) Education. The provider shall arrange for or provide an educational program for children, that complies with the State Board of Education, Rule 6A-6.0361, F.A.C. ~~Chapter 65A-15, F.A.C.~~

(6) through (12) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History--New 7-25-06, Amended.

65E-9.007 Staffing.

(1) through (2) No change.

(3) Staff Composition. The provider shall have the following staffing, any of which may be part-time, if the required equivalent full-time coverage is provide, except for those positions with a required specified staffing ratio:

(a) Psychiatrist.

1. For residential treatment centers, the provider shall have on staff or under contract a psychiatrist, licensed under Chapter 458, F.S., who is board certified or board eligible in child and adolescent psychiatry to serve as medical director for the program and such position shall oversee the development and revision of the treatment plan and the provision of mental health services provided to children. A similarly qualified psychiatrist who consults with the board certified psychiatrist may provide back-up coverage. A psychiatrist shall be on call 24 “hours a day”, seven “days-a-week”, and shall participate in staffings. For children committed under Section 985.19.223, F.S., a psychologist as defined in paragraph 65E-9.007(3)(d), F.A.C., may be used in lieu of the medical director to oversee the development and revision of the treatment plan and the provision of mental health services provided to children.

2. through (b) No change.

(c) Registered nurse.

1. A registered nurse shall supervise the nursing staff. For residential treatment centers that use seclusion or restraint in their program, a registered nurse shall supervise the nursing staff. At a minimum, a licensed practical nurse shall be on duty 24 hours a day, 7 days a week. During the times that the children are present in the facility and normally awake, the nursing staff to child ratio shall be no less than 1:30, and during normal sleeping hours, the nursing staff to child ratio shall be no less than 1:40.

2. For therapeutic group homes residential treatment centers that do not use restraint or seclusion in their program, the provider is not required to have a registered nurse or other nursing staff on duty, but shall have definitive written agreements for obtaining necessary nursing services.

(3)(d) through (e)4. No change.

5. While transporting residents of residential treatment centers other than group homes, the driver shall not be counted as the direct care staff providing care, assistance or supervision of the child. For therapeutic group home residents, prior to a single staff person transporting one or more children in a motor vehicle, children must be assessed to ensure the safety of the children and staff.

(f) If the provider’s program includes behavior analysis services, a certified behavior analyst, a master’s level practitioner, or professionals licensed under Chapter 490 or 491, F.S., with documented training and experience in behavior management program design and implementation shall be employed on staff or under contract, either full or part time, to provide ongoing staff training and quality assurance in the use

of the behavior management techniques, which may include, but are not limited to those listed in paragraph 65E-9.007 (5)(e)4.c.(e), F.A.C.

(g) through (6) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended _____.

65E-9.008 Admission.

(1) Admission procedures subsections (3) through (6) do not apply to children placed in accordance with Section 985.19, F.S. The following admission procedures do not apply to children placed in accordance with Chapter 985, F.S.

(2) No change.

(3) Acceptance of a child for residential treatment in a residential treatment center, including therapeutic group home, ~~(excluding children placed under Chapter 985, F.S.)~~ shall be based on the assessed needs of the child, family, or guardian recommendations, and the determination that the child requires treatment of a comprehensive and intensive nature and the provider’s ability to meet those needs.

(4) Children placed by the department ~~(excluding children placed under Chapter 985, F.S.)~~ and funded in full or in part by state, Medicaid, or local matching funds shall be admitted only after they have on recommendation of the appropriate multidisciplinary team, been personally examined and assessed for suitability for residential treatment. For children in departmental custody, the assessment must be by a qualified evaluator as defined in Section 39.407(6)(b), F.S. Children in parental custody must be assessed by a clinical psychologist or by a psychiatrist licensed to practice in the State of Florida, with experience or training in children’s disorders, by a licensed psychologist or psychiatrist who has at least three years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center. For children currently in residential placement, recommendations of the facility treatment team may serve as authorization for placement in therapeutic group homes. The assessment must result in a report whose written findings are that:

(a) The child has an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.S.;

(b) The emotional disturbance or serious emotional disturbance requires treatment in a residential treatment center;

(c) All available treatment that is less restrictive than residential treatment has been considered or is unavailable;

(d) The treatment provided in the residential treatment center is reasonably likely to resolve the child’s presenting problems as identified by the qualified evaluator;

(e) The provider is qualified by staff, program and equipment to give the care and treatment required by the child’s condition, age and cognitive ability;

(f) The child is under the age of 18; and

(g) The nature, purpose and expected length of the treatment have been explained to the child and the child's parent or guardian and guardian ad litem.

(5) through (7)(m) No change.

1. If a physical examination was not performed within the 90 days prior to admission and documentation of such examination was not provided, a physical examination shall be initiated within 24 hours of admission by a medical professional licensed physician. This medical professional may be a registered nurse, physician's assistant, Advanced Registered Nurse Practitioner or medical doctor who has authority to perform physical examinations of a medical nature shall be initiated within 24 hours of admission.

2. through (8)(e) No change.

(f) Provisions for treatment ~~service~~ plan reviews;

(g) through (9)(c) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended.

65E-9.009 Treatment Planning.

(1) through (6) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06.

65E-9.010 Length of Stay.

(1) through (3) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06.

65E-9.011 Discharge and Discharge Planning.

(1) through (11) No change.

(12) Notwithstanding subsections 1-11 of Rule 65E-9-001, F.A.C., Providers who serve children committed under Section 985.19 ~~223~~, F.S., shall abide by the following standards with regard to discharge planning:

(a) The provider shall finalize the discharge summary and have it approved and signed by the treatment team. At least 30 days before the proposed discharge, a copy of the discharge summary shall be sent to the child's home district. The provider and district shall coordinate with each other to assist the district in the development of the discharge plan based on the provider's recommendations for services after discharge.

(b) Once noticed by the court of a pending hearing related to child's competency to proceed, the discharge summary shall be copied to the parties identified in Section 985.19~~223~~, F.S.

(c) through (13) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended.

65E-9.012 Rights of Children.

(1) through (3)(b) No change.

(c) The provider shall establish and implement a written procedure for the immediate protection of the alleged victim or any other potential victim and prevention of a recurrence of the alleged incident pending investigation by the department or law enforcement.

(d) through (3) No change.

(4) Confidentiality related to HIV-infected children. The provider shall protect the confidentiality of HIV-infected children as specified in Section ~~381.004~~ ~~381.400~~, F.S. The provider shall also ensure that:

(a) through (d) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended.

65E-9.013 Restraint, Seclusion, and Time-Out.

(1) through (2) No change.

(3) Authorization of restraint or seclusion.

(a) Restraint or seclusion shall be used and continued only pursuant to an order by a board certified or board eligible psychiatrist licensed under Chapter ~~458~~ ~~409~~, F.S., or licensed physician with specialized training and experience in diagnosing and treating mental disorders and who is the child's treatment team physician. If the child's treatment team physician is unavailable, the physician covering for the treatment team physician may meet these qualifications. Physicians allowed to order seclusion and restraint, pursuant to this rule, must be trained in the use of emergency safety interventions prior to ordering them.

(b) through (j)2. No change.

3. The emergency safety intervention ordered, including the length of time for which the physician authorized its use, which length of time shall not exceed the time limits set forth in subsection 65E-9.013(3)(f)1.-3. ~~(4)~~, F.A.C.

(4) through (11) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06, Amended.

65E-9.014 Medication Administration and Use of Psychotropic Medications

(1) through (14) No change.

Specific Authority 39.407, 394.875(8)(40) FS. Law Implemented 394.875 FS. History–New 7-25-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sorrell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laurie Blades

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2008

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-157.004	Out-of-State Group Long-Term Care Insurance
690-157.104	Policy Practices and Provisions
690-157.114	Filing Requirement – Out of State Groups
690-157.117	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates

PURPOSE AND EFFECT: To remove the 24-month nursing home coverage requirement for long term care insurance policies sold after July 1, 2006, and to state that a long term care insurance policy shall be incontestable after two years.

SUMMARY: : HB 947 made changes to Florida law regarding Long Term Care. This law did two things, one, it stated that after 24 months, a long term care policy was incontestable, and two, it removed the clause which prohibited a long term care policy from providing for less than 24 consecutive months for nursing home care.

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.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.9407(1), (6), 627.9408 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a), (g), 627.410, 627.603, 627.646, 627.9402, 627.9403, 627.9405(2), 627.9406, 627.9407, 627.94076, 627.9408 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: May 14, 2008, 9:30 a.m.

PLACE: 142 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: Gerry Smith gerry.smith@fldfs.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: Gerry Smith gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-157.004 Out-of-State Group Long-Term Care Insurance.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in Section 627.9405(1)(c) or (d), F.S., unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that such requirements have been met. Evidence to this effect shall be filed by the insurer with the department pursuant to the procedures specified in Section 627.410, F.S. Such evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, which demonstrate that the requirements of Sections 627.9401-.9408, Florida Statutes, and these rules have been met, except Section 627.9405(2), F.S.; or

(b)1. Filing of a truthful certification by an officer of the insurer that another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida has made a determination that such requirements have been met; and

2. Filing of the policy and certificate forms to be issued and delivered, including rates and rate development information, which demonstrate that the requirements of another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida have been met.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, such state must require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for each covered person; This provision is not applicable to coverage issued or renewed after July 1, 2006.

(b) Minimum loss ratio standards at levels at which benefits are reasonable in relation to premiums and calculated in a manner which provides for adequate reserving of the long-term care insurance risk;

(c) A 30-day “free look” period, or longer, within which individual certificateholders have the right to return the certificate after its delivery and to have the premium refunded for any reason;

(d) A prohibition or limitation on pre-existing condition exclusions at least as favorable to a policyholder as that specified in Section 627.9407(4), Florida Statutes;

(e) A prohibition against a policy or certificate excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions beyond any pre-existing condition waiting period;

(f) A prohibition or limitation on prior institutionalization provisions at least as favorable to a policyholder as that specified in Section 627.9407(5), Florida Statutes, including the mandatory offer provisions of paragraph (5)(c) of such section;

(g) A prohibition or limitation on policy cancellations or nonrenewals at least as favorable to a policyholder as that specified in Section 627.9407(3)(a), Florida Statutes; and

(h) A prohibition against a policy restricting its coverage to care only in a nursing home or providing significantly more coverage for such care than coverage for lower levels of care;

(i) A requirement that policies prominently disclose that the policy may not cover all of the costs associated with long-term care which may be incurred by the buyer during the period of coverage and that the buyer is advised to periodically review the policy in relation to the changes in the cost of long-term care.

(j) Except for nonpayment of premiums and as provided by Section 627.94076, F.S., provide all insureds an endorsement that provides that upon renewal of a policy on or after July 1, 2008, the coverage shall be incontestable after it has been in force during the lifetime of the insured for a period of 2 years after its date of issue.

(3) Unless a group policy issued in another state has been filed for approval in Florida, no such policy or certificate issued thereunder shall contain a statement that the policy has been approved as a long-term care policy meeting the requirements of Florida law or words of similar meaning.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Office pursuant to the procedures specified in Section 627.410, F.S., and Rule Chapter 69O-149, F.A.C., as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements, pursuant to paragraph 69O-157.004(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.410, 627.9403, 627.9406, 627.9407(1), (8) FS. History–New 5-17-89, Formerly 4-81.004, Amended 1-13-03, Formerly 4-157.004, Amended.

69O-157.104 Policy Practices and Provisions.

(1) through (3) No change.

(4) Minimum Coverage.

(a) All long-term care policies shall provide coverage for at least 24 consecutive months for each covered person for care in a nursing home. This provision is not applicable to coverage issued or renewed after July 1, 2006.

(b) All long-term care policies shall provide coverage for at least one type of lower level of care, in addition to coverage for care in a nursing home.

(c)1.a. No long-term care policy shall provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care in the aggregate, as determined by the insured for each policy, shall provide a level of benefits equivalent to at least 50 percent of the benefits provided for nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be at least \$50 per day.

b. For the purposes of applying this 50 percent equivalency requirement to a policy benefit period, the lower level of care shall be, in the aggregate, at least 50 percent of the benefit period provided for nursing home coverage.

c. If a long-term care policy provides nursing home coverage for an unlimited duration, the lower level of care shall be payable for at least 3 years in the aggregate.

2. A long-term care policy may use an overall lifetime benefit maximum, in lieu of the specific coverage identified by paragraph (c), above, which may be exhausted by any combination of benefits provided the overall lifetime benefit maximum is at least 150 percent of the minimum coverage required by paragraph 69O-157.104(4)(a), F.A.C., times the amount of daily nursing home benefit purchased.

(d) For the purposes of this rule, “lower level(s) of care” means the following:

1. Nursing service;
2. Assisted living facility;
3. Home health services;
4. Adult day care center;
5. Adult foster home;
6. Community care for the elderly; and
7. Personal care and social services.

(5) through (11) No change.

Specific Authority 624.308(1), 627.9407(1), (6), 627.9408 FS. Law Implemented 624.307(1), 627.410(6), 627.603, 627.646, 627.9402, 627.9405(2), 627.9407 FS. History–New 1-13-03, Formerly 4-157.104, Amended.

69O-157.114 Filing Requirement - Out of State Groups.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in Section 627.9405(1)(c) or (d), F.S., unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that the requirements have been met. Evidence to this effect shall be filed by the insurer with the Office pursuant to the procedures specified in Section 627.410, F.S. The evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, as though the policy/certificate were issued in this state, which demonstrate that the requirements of Sections 627.9401-627.9408, F.S., and these rules have been met; or

(b)1. Filing of a truthful certification by an officer of the insurer that another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida has made a determination that such requirements have been met; and

2. Filing of the policy and certificate forms to be issued and delivered, including rates and rate development information, which demonstrate that the requirements of another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida have been met.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, that state shall require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for coverage in a nursing home for each covered person and an additional coverage of 50 percent for lower levels of care as provided in subsection 69O-157.104(4), F.A.C. The minimum 24 month nursing home coverage is not applicable to coverage issued or renewed after July 1, 2006.

(b) The standards of Rules 69O-157.108 and 69O-157.113, F.A.C.;

(c) A 30-day "free look" period, or longer, within which individual certificateholders have the right to return the certificate after its delivery and to have the premium refunded for any reason;

(d) A prohibition or limitation on pre-existing condition exclusions at least as favorable to a policyholder as that specified in Section 627.9407(4), F.S.;

(e) A prohibition against a policy or certificate excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions beyond any pre-existing condition waiting period;

(f) A prohibition or limitation on prior institutionalization provisions at least as favorable to a certificateholder as that specified in Section 627.9407(5), F.S., including the mandatory offer provisions of paragraph (5)(c) of that section;

(g) A prohibition or limitation on certificate cancellations or nonrenewals at least as favorable to a certificateholder as that specified in Section 627.9407(3)(a), F.S.;

(h) A requirement that a policy and certificate prominently disclose that the policy and certificate may not cover all of the costs associated with long-term care which may be incurred by

the buyer during the period of coverage and that the buyer is advised to periodically review the certificate in relation to the changes in the cost of long-term care;

(i) A minimum 30 day grace period for nonpayment of premium with notice and protection requirements as provided by Section 627.94073, F.S.;

(j) Pursuant to Section 627.94072, F.S., a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of a nonforfeiture provision meeting the standards of Rule 69O-157.118, F.A.C.;

(k) Pursuant to Section 627.94072, F.S., a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of an inflation protection provision:

(l) Contain a contingent benefit upon lapse provision at least as favorable to the insured as that in Rule 69O-157.118, F.A.C.;

(m) Disclosure of rating practices to consumers as outlined in Rule 69O-157.107, F.A.C.;

(n) A conversion or continuation privilege at least as favorable as subsection 69O-157.104(8), F.A.C.; ~~and~~

(o) A prohibition or limitation on an elimination period in excess of 180 days; and

(p) Pursuant to Section 627.94076, F. S., provide that the policy shall be incontestable after it has been in force during the lifetime of the insured for a period of 2 years after its date of issue except for nonpayment of premiums. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of Section 627.94076, F.S., shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.

(3) Unless a group policy issued in another state has been filed for approval in Florida, no such policy or certificate issued thereunder shall contain a statement that the policy has been approved as a long-term care policy meeting the requirements of Florida law or words of similar meaning.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Office pursuant to the procedures specified in Section 627.410, F.S., and this rule chapter as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements pursuant to paragraph 69O-157.114(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.410, 627.9402, 627.9406, 627.9407(1), (3), (4), (8), (9), 627.94076, 627.9408 FS. History--New 1-13-03, Formerly 4-157.114, Amended _____.

690-157.117 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to time limit on certain defenses, preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

Specific Authority 624.308(1), 626.9611, 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 626.9541(1)(a), (g), 627.9402, 627.9407(1), 627.94076, 627.9408 FS. History—New 1-13-03, Formerly 4-157.117, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith gerry.smith@fldfs.com
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerry Smith gerry.smith@fldfs.com
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-203.070
RULE TITLE: Annual and Quarterly Reports

PURPOSE AND EFFECT: To establish the requirements for annual and quarterly reports submitted by prepaid limited health service organizations.

SUMMARY: This rule is being amended to reflect the correct forms to be used by the prepaid limited health service organizations in filing their quarterly and annual financial statements. The rule is being updated to require the filings to be submitted on the National Association of Insurance Commissioners (NAIC) Health blanks.

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.

SPECIFIC AUTHORITY: 636.067 FS.
LAW IMPLEMENTED: 636.009(1)(f), 636.043, 626.058 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: May 13, 2008, 9:30 a.m.
PLACE: 143 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: Marie Bachman marie.bachman@fldfs.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: Marie Bachman marie.bachman@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-203.070 Annual and Quarterly Reports.

(1)(a) Pursuant to Section 636.043, F.S., ~~e~~Each PLHSO shall furnish to the Office an annual report by April 1, or within 3 months after the end of the reporting period at the time specified in Section 636.043, F.S., on NAIC Annual Statement Health Blanks as adopted, forms OIR-1131 and OIR-1132 which are incorporated by reference in Rule 690-137.001 690-203.100, F.A.C.

(b) The completed annual statement form shall be accompanied by the items required in Section 636.043, F.S., and as well as an organization chart of the PLHSO identifying ownership and affiliated parent and subsidiary companies, ~~and shall be submitted by April 1, or within three months after the end of its reporting period.~~

(2) Each PLHSO or applicant shall notify the Office of any legal proceeding, excluding traffic infractions, involving any person subject to providing biographical information. This shall include, but not be limited to, any and all criminal, civil, and administrative actions entered by any state or federal entity and to include pending but yet unresolved actions.

(3) Any PLHSO which has operations in states other than Florida shall file its annual report based upon its total operations. In addition, the PLHSO shall file a separate schedule of all financial statements specified in the annual report form, including the audited financial statement, which covers the Florida operations only.

(4) If a PLHSO constitutes a portion of or a division of a certificated entity, the entity shall file its annual report based upon its total operations. In addition, the entity shall file a separate schedule of all financial statements specified in the annual report form, including the audited financial statement, which covers the PLHSO operation only.

(5) The annual report shall include disclosure of material transactions between the PLHSO and a related party. The disclosure shall include:

- (a) The nature of the relationship(s) involved.
- (b) A description of the transaction, including transactions to which no amounts or nominal amounts were ascribed, for each of the periods for which income statements are presented,

and such other information deemed necessary to an understanding of the effects of the transaction on the financial statements.

(c) The dollar amounts of transactions for each of the periods for which income statements are presented and the effects of any change in the method of establishing the terms from that used in the preceding period.

(d) Amounts due from or to related parties as of the date of each balance sheet presented and, if not otherwise apparent, the terms and manner of settlement.

(6) Quarterly reports shall be submitted to the Office within forty-five (45) days following the end of each operating quarter. The initial operating quarter commences after the issuance of a Certificate of Authority. Quarterly reports shall be submitted in accordance with Section 636.043, F.S., on NAIC Quarterly Statement Health Blanks, as adopted in Rule 69O-137.001 form OIR-1136, incorporated by reference in Rule 69O-203.100, F.A.C., and shall contain the following supplemental schedules:

(a) A complete identification and dollar value breakdown of all short term investments with individual balances greater than 10% of total short term investments;

(b) A complete list of all debtors with account balances greater than 10% of total prepaid expenses;

(c) An aging analysis on all premium receivables;

(d) A complete aging, identification, and dollar value breakdown of all prepaid expenses with individual balances greater than 10% of total prepaid expenses;

(e) A complete identification and dollar value breakdown of all restricted assets and restricted funds with individual balances greater than 10% of the respective account balance total;

(f) A complete identification and dollar value breakdown of all long term investments with individual balances greater than 10% of total long term investments;

(g) A complete identification and dollar value breakdown of other assets with individual balances greater than 10% of total other assets;

(h) All surplus notes shall be identified by a complete identification and dollar value breakdown and shall be accompanied by a copy of the surplus note agreement. Each PLHSO is required to submit four (4) quarterly reports in addition to an annual report each fiscal year.

Specific Authority 636.067 FS. Law Implemented 636.009(1)(f), 636.043, 626.058 FS. History—New 11-15-94, Formerly 4-203.070, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marie Bachman marie.bachman@fldfs.com
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marie Bachman marie.bachman@fldfs.com

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

Section III Notices of Changes, Corrections and Withdrawals

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 NO.: 40B-1.901
RULE TITLE: General

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. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

CHAPTER 40B-1 General and Procedural Rules

40B-1.901 General.

(1) through (10) No change.

(11) Application for General Work of the District Development Permit, Effective _____ ~~January 29, 2004~~;

(12) through (17) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented: 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, _____.

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

RULE NO.: 62-814.100
RULE TITLE: Intent, Findings, Basis of Standards and Research Needs

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. 33, No. 52, December 28, 2007 issue of the Florida Administrative Weekly.