

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: Amy M. Jones, Department of Health, 4053 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-1703

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE TITLE: Purpose and Definitions  
RULE NO.: 5I-4.002

PURPOSE AND EFFECT: The purpose is to provide guidance to Department staff and information to the public regarding use of lands managed by the Department for specific activities, and to comply with similar existing laws and rules. The effect will improve administration and provide guidance for public use.

SUMMARY: Increased public use on lands managed by the Department has resulted in a need to clarify the present Rule Chapter 5I-4, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No regulatory cost is anticipated.

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

SPECIFIC AUTHORITY: 589.011(4), 589.071, 589.12 FS.

LAWIMPLEMENTED: 589.011(4), 589.071 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: John Waldron, Forest Recreation Coordinator, Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Blvd., Mail Station #C25, Tallahassee, FL 32399-1650, (850)414-9852

THE FULL TEXT OF THE PROPOSED RULE IS:

5I-4.002 Purpose and Definitions.

(1) through (26) No change.

(27) SCHEDULE OF FEES: The Division is authorized under Section 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Division for management purposes. A schedule of current fees effective July 1, ~~2003~~ 2005 can be obtained through any local Division of Forestry office, by contacting the Florida Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650 and they are located on the Division of Forestry's website located at [http://www.fl-dof.com/state\\_forests/Forest\\_Fees.html](http://www.fl-dof.com/state_forests/Forest_Fees.html).

(28) through (30) No change.

Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(4), 589.071 FS. History--New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John C. Waldron, Forest Recreation Coordinator, 3125 Conner Blvd., Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Bohl, Assistant Chief, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2004

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Bid Guaranty for Construction Contracts  
RULE CHAPTER NO.: 14-21

RULE TITLE: Bid Guaranty for Construction Contracts  
RULE NO.: 14-21.001

PURPOSE AND EFFECT: Section 337.17, Florida Statutes, only requires bid guarantee for construction contracts in excess of \$150,000.00. The rule is amended to remove any references to maintenance contracts.

SUMMARY: Rule 14-21.001, F.A.C., is being amended to remove references to maintenance contracts.

SPECIFIC AUTHORITY: 334.044(2), 337.17 FS.

LAW IMPLEMENTED: 337.17 FS.

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

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-21.001 Bid Guaranty for Construction ~~and Maintenance~~ Contracts.

(1) Scope. This rule defines the security acceptable as bid guaranty for construction ~~and maintenance~~ contracts.

(2) Guaranty Required. The Department shall require a guaranty with each bid for a construction contract in excess of \$150,000 in an amount of 5% of the amount of the bid.

Specific Authority 334.044(2), 337.17 FS. Law Implemented 337.17 FS. History—Amended 5-9-70, Formerly 14-7.01, Amended 7-9-75, Formerly 14-21.01, Amended 3-21-90, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Moore, Manager Contracts Administration Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for José Abreu, P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Random Drug Testing of Employees

RULE NO.: 33-208.403

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for periodic random substance abuse testing of employees required to maintain certification under Chapter 943, Florida Statutes.

SUMMARY: The proposed rule sets forth the Department’s procedures for periodic random substance abuse testing of employees required to maintain certification under Chapter 943, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.74 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.74 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.

(1) Definitions.

(a) Authorized Individual – The person designated by the Chief of Personnel to interact with an employee regarding the drug testing program.

(b) Chain of Custody – The procedures used to account for the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to final disposition.

(c) Contact Person – the employees designated by the Chief of Personnel to interact with the Medical Review Officer regarding drug test results.

(d) Medical Review Officer – a licensed physician under contract with the Department or the outside vendor used by the Department who reviews all drug tests from the laboratory and makes the final determination regarding the test result.

(e) Random Drug Test – A drug test conducted based on a computer generated random sampling in positions identified as being subject to random testing, administered for the purposes of determining the presence of drugs or their metabolites.

(f) Test refusal – failure on the part of a randomly selected employee to fully comply with the Department’s random drug testing procedures. This includes refusal to sign required forms, refusal to provide specimens for testing, failing to report to the collection site within required time frames, failing to provide a valid specimen, attempting to alter the specimen with adulterants, and using substitute specimens in makeshift devices or objects.

(2) Only employees required to maintain certification under Chapter 943, F.S., shall be subject to random drug testing.

(3) The Bureau of Research and Data Analysis shall generate random lists of individual positions subject to testing.

(a) The Bureau of Personnel shall disburse the list to the authorized individuals during each random testing period.

(b) The list shall include the date by which all tests for that testing period must be completed.

(c) Each time an employee’s name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(d) Listed employees shall not be excused from random drug testing unless they are on approved leave of absence or out of town on business. If the employee returns in time for the test to be rescheduled and completed within the prescribed deadline, the authorized individual shall ensure testing is rescheduled and completed.

(e) The list is confidential and shall not be disseminated to non-essential staff members prior to testing.

(4) Once an employee is randomly selected and scheduled for a test, the authorized individual shall:

(a) Initiate the chain of custody process;

(b) Provide the employee with the drug testing instructions and directions to the designated collection site;

(c) Provide the employee with a written notice and consent for testing form that advises the employee that he or she has been randomly selected for testing and that he or she has 24 hours to complete the test. If the employee refuses to sign, the employee will be considered to have refused to submit to testing. The authorized individual shall notify the servicing personnel office, and the employee shall be advised in writing that he is subject to disciplinary action up to and including dismissal for refusal to submit to testing.

(5) Once the necessary forms have been completed and signed, the employee shall be instructed to present the employee's Department of Corrections' employee identification card to collection site staff. The employee shall take all copies of the chain of custody form to the collection site.

(6) If the employee does not report to the collection site within the specified time frame, or as directed on the written notice, the employee will be considered to have refused to submit to drug testing. The employee shall be advised in writing by the servicing personnel office that he is subject to disciplinary action for failure to report to the collection site unless the employee presents sufficient justification for failure to appear. Issues that will be considered include the timely notification to the employee, timely processing by the lab, and transportation issues.

(7) The employee shall remain at the collection site until able to produce a sufficient specimen unless the employee advises that a medical condition has caused the inability to produce a sufficient specimen. If the employee cannot produce a sufficient specimen quantity, the collection site staff shall contact the authorized individual. The employee shall provide a doctor's statement to the authorized individual within 3 business days attesting to the medical condition. If the current random testing period has not expired, the employee will be given another notice that he or she has 24 hours to complete the test and will be required to report again for testing.

(8) If an employee's test results show the specimen to be adulterated, the employee will be considered to have failed the test.

(9) If the employee's test results are negative for drugs but show possible dilution, the test shall be considered negative.

(10) If the test results are positive, the sample will be retested for confirmation.

(11) All employees with a positive confirmed drug test shall be contacted by the Medical Review Officer within 3 days of receipt of the results from the lab and offered the opportunity to produce valid documentation of lawful ingestion of the identified controlled substance. The Medical Review Officer may also request consent to review the employee's medical records to assist in evaluating the test results. The employee shall have 15 days from contact by the Medical Review Officer to present documentation that provides a legitimate explanation for the positive test results.

(12) If the Medical Review Officer cannot contact the employee within 3 days, the Medical Review Officer shall request that the contact person direct the employee to contact the Medical Review Officer. If the employee does not contact the Medical Review Officer within 2 days from the request to the employee by the contact person, the Medical Review Officer shall report the test results as positive.

(13) In the case of positive test results for which the employee did not or could not provide a legitimate explanation, the employee shall be notified in writing of the positive test results and the consequences of the results. The employee shall be immediately removed from his position in accordance with the department's dismissal process and the Criminal Justice Standards and Training Commission shall be notified.

(14) If the Medical Review Officer reports the test results as cancelled, it shall be considered collection site or lab error and a re-test shall be scheduled immediately. The employee shall be given no more than 24 hours notice for the retest. If a re-test cannot be conducted prior to the deadline for the random testing period, the Regional Personnel Officer shall provide an explanation to the Chief of Personnel.

(15) If the Medical Review Officer receives subsequent documentation that a positive test result was caused by a legitimate use of drugs, the Medical Review Officer shall report the result as negative and the Department's contact person shall be notified as such.

(16) Should subsequent documentation be received reflecting that the positive result was in error, the authorizing individual shall inform the Bureau of Personnel so that remedial action can be taken if necessary.

(17) Within 5 days of the completion of random testing, the authorized individual shall submit to the Bureau of Personnel the names of the employees not tested and the reason the test was not completed, with the attendance and leave reports or travel reimbursement requests attached for any employee unavailable for the test.

(18) The following appeal process shall be available to an employee who wants to appeal a positive confirmed drug test.

(a) Within 5 working days of the notification of the failed drug test, the employee may submit a letter to the Chief, Bureau of Personnel, contesting or explaining the result.

(b) Within 180 days after receipt of the notification of the failed drug test, the employee may request a re-test of the original specimen at the employee's expense by the same laboratory or another laboratory licensed and approved by the Agency for Health Care Administration. The re-test must be at an equal or greater sensitivity for the drug in question as was used in the first laboratory test. All costs associated with such re-tests shall be borne by the employee.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History--New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ralph Kiessig, Deputy Assistant Secretary of Human Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Millie Seay, Assistant Secretary of Administrative Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Privileged Mail RULE NO.: 33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency in mail procedures by requiring that privileged mail be delivered to the institution by the U.S. Postal Service. This requirement is already set forth in the routine mail and legal mail rules.

SUMMARY: The proposed rule requires that privileged mail be delivered to the institution by the U.S. Postal Service. This requirement is already set forth in the routine mail and legal mail rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.103 Privileged Mail.

(1) No change.

(2) Privileged mail shall be delivered to the institution or facility by the U.S. Postal Service only.

(2) through (3) renumbered (3) through (4) No change.

~~(5)(4)~~ Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items. Only the signature and letterhead may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(5)(4)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) through (c) No change.

(5) through (6) renumbered (6) through (7) No change.

~~(8)(7)~~(a) No change.

(b) Upon receipt of privileged mail, if there is a question that it is privileged mail, the mail shall be opened in the presence of the inmate to confirm that it is privileged mail. If it is confirmed to be privileged mail, it shall be delivered to the inmate. If the mail is not privileged mail, it shall be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(4)(3)~~ and ~~(8)(7)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(c) through (e) No change.

~~(9)(8)~~(a) No change.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.103~~(8)(7)~~, F.A.C., Form DC2-522 shall be completed as required in paragraph 33-210.103~~(9)(8)~~(a), F.A.C., except that mailroom staff shall write 'Transferred' or 'Released' in the 'Date Mail Received By Institution' section, and shall write the date that the mail was forwarded in the 'Inmate Signature' section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02, 9-20-04, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Visiting – Forms  
RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC6-111B, Visitor Information Summary, for consistency with Rule 33-203.201, F.A.C., relating to sending money to inmates; the form is amended to delete the restriction to "U.S.Postal" money orders, and to provide the corrected address for sending funds for deposit.

SUMMARY: Form DC6-111B is amended to delete the restriction to "U.S.Postal" money orders, and to provide the corrected address for sending funds for deposit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective 3-31-05.
- (5) through (6) No change.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History—New 11-18-01, Amended 4-29-02, 9-29-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

**LAND AND WATER ADJUDICATORY COMMISSION**

**Lakewood Ranch Community Development District**

RULE CHAPTER TITLE: Lakewood Ranch Community Development District 7  
RULE CHAPTER NO.: 42ZZ-1

RULE TITLES:	RULE NOS.:
Establishment	42ZZ-1.001
Boundary	42ZZ-1.002
Supervisors	42ZZ-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Lakewood Ranch Community Development District 7 ("District"), pursuant to Chapter 190, F.S. The petition filed by Schroeder-Manatee Ranch, Inc., requests the Commission establish a community development district located entirely within Manatee County, Florida. A Notice of Receipt of Petition for the Lakewood Ranch Community Development District 7 was published in the October 29, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,615 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no excluded parcels located within the boundaries of the proposed District. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the land within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 751 single family home sites. The District, if established, currently intends to participate in the provision of various community facilities and services to the property in the District to include, public roads, stormwater management, utilities, and landscape.

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, Florida Statutes. The complete text of the SERC (as amended) is contained at Exhibit "7" to the Petition. The SERC (as amended) estimates that the principal individuals and entities likely to be required to comply with the rule are the ultimate property owners within the District. Prior to the sell out of the real estate, all of the undeveloped land owned by the developer and any other landowner will also be under the jurisdiction of the District. The SERC (as amended) indicates that the costs to state governmental entities to review and

enforce the rule will be modest. Costs to Manatee County are offset by the required filing fee paid to Manatee County by the Petitioner. The proposed District will incur costs associated with its administration and management which will be offset by assessments to be imposed by the District. 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 (as amended) provides that the District plans to provide various community facilities and services to the property in the District. According to the SERC (as amended) the District plans to fund, own, operate and maintain the stormwater management system and landscape. The District will also fund and construct the public roadways and utilities, and the District will dedicate them to Manatee County. The District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Finally, the SERC (as amended) concludes that the rule's effect on small businesses will be minimal or positive and that Manatee County is not a "small" county as defined by Section 120.52, Florida Statutes. The SERC (as amended) analysis is based on a straightforward application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, June 22, 2005

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

LAKESWOOD RANCH COMMUNITY  
DEVELOPMENT DISTRICT 7

42ZZ-1.001 Establishment.

The Lakewood Ranch Community Development District 7 is hereby established.

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

42ZZ-1.002 Boundary.

The boundaries of the District are as follows:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°58'32"E, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1770.02 FT.; THENCE N00°01'28"E, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 954.40 FT. FOR A POINT OF BEGINNING; THENCE N00°01'28"E, 788.60 FT.; THENCE S89°58'32"E, 38.36 FT.; THENCE N00°01'28"E, 391.85 FT.; THENCE N53°08'42"W, 108.39 FT.; THENCE N64°51'52"W, 72.10 FT.; THENCE N51°15'29"W, 71.24 FT.; THENCE N88°53'01"W, 64.72 FT.; THENCE S42°31'45"W, 48.99 FT.; THENCE S57°15'03"W, 43.67 FT.; THENCE N75°08'44"W, 93.01 FT.; THENCE N36°23'58"W, 51.93 FT.; THENCE N30°15'09"W, 120.41 FT.; THENCE N26°03'26"W, 83.03 FT.; THENCE N11°24'03"E, 191.05 FT.; THENCE N77°32'10"W, 49.33 FT.; THENCE N54°48'49"W, 53.50 FT.; THENCE S83°25'42"W, 39.97 FT.; THENCE N77°03'04"W, 28.41 FT.; THENCE N76°42'11"W, 50.64 FT.; THENCE S09°58'45"W, 46.64 FT.; THENCE S17°32'46"W, 26.17 FT.; THENCE N55°40'30"W, 120.52 FT.; THENCE S34°19'30"W, 52.27 FT.; THENCE S00°00'00"W, 86.03 FT.; THENCE S88°05'00"W, 286.50 FT.; THENCE N01°55'00"W, 372.74 FT.; THENCE N88°07'20"E, 1375.24 FT.; THENCE N00°45'04"W, 878.14 FT. TO A POINT ON THE ARC OF A CURVE, WHOSE RADIUS POINT LIES N03°25'44"W, A DISTANCE OF 2720.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°37'51", A DISTANCE OF TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1690.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°25'17", A DISTANCE OF 631.85 FT. TO THE P.T. OF SAID CURVE; THENCE N86°21'42"E, A DISTANCE OF 275.61 FT. TO THE PC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1940.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°34'52", A DISTANCE OF 1306.33 FT. TO THE P.T. OF SAID CURVE; THENCE N47°46'50"E, A DISTANCE OF 466.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF

2610.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°29'57", A DISTANCE OF 1298.23 FT. TO THE P.T. OF SAID CURVE; THENCE N76°16'47"E, A DISTANCE OF 615.98 FT. TO THE PC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2920.00 FT; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°55'19", A DISTANCE OF 1575.89 FT. TO THE PT OF SAID CURVE; THENCE S72°47'54"E, A DISTANCE OF 1139.89 FT. TO THE PC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2940.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°21'44", A DISTANCE OF 1609.28 FT. TO THE P.T. OF SAID CURVE, THENCE N75°50'22"E, A DISTANCE OF 1638.12 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5060.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°11'52", A DISTANCE OF 1253.86 FT. TO THE P.T. OF SAID CURVE; THENCE S89°57'46"E, 1829.22 FT.; THENCE S00°35'33"W, 5767.03 FT.; THENCE N89°58'32"W, A DISTANCE OF 3596.50 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2404.00 FT.; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°03'42", A DISTANCE OF 296.29 FT. TO THE P.T. OF SAID CURVE; THENCE S82°57'46"W, 1478.53 FT.; THENCE N89°58'32"W, 1847.42 FT.; THENCE N70°58'32"W, A DISTANCE OF 1425.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2303.68 FT.; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°01'45", A DISTANCE OF 564.07 FT. TO THE P.T. OF SAID CURVE; THENCE N85°00'17"W, A DISTANCE OF 2585.08 FT.; THENCE N00°00'00"E, 528.25 FT.; THENCE N90°00'00"W, 221.92 FT.; THENCE S54°54'36"W, 292.35 FT.; THENCE S85°08'24"W, 328.90 FT.; THENCE S00°00'00"W, A DISTANCE OF 383.44 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S13°32'56"E, A DISTANCE OF 2303.68 FT.; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°05'04", A DISTANCE OF 164.22 FT. TO THE P.T. OF SAID CURVE; THENCE S72°22'00"W, 85.91 FT.; THENCE N17°38'00"W, 275.11 FT.; THENCE N89°58'50"W, A DISTANCE OF 1400.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 25, 34, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 1,615.22 ACRES MORE OR LESS.

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

42ZZ-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Bob Weber, Thomas J. Danahy, Robert Lane, Harold Wagner, and Roger Hill.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2005

LAND AND WATER ADJUDICATORY COMMISSION

Palm Coast Park Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Palm Coast Park Community Development District 42AAA-1

RULE TITLES: RULE NOS.:

Establishment 42AAA-1.001

Boundary 42AAA-1.002

Supervisors 42AAA-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Palm Coast Park Community Development District ("District"), pursuant to Chapter 190, F.S. The amended petition, as supplemented, filed by Florida Landmark Communities, Inc., Palm Coast Land, LLC, and Palm Coast Forest, LLC, requests the Commission establish a community development district located within the City of Palm Coast, Florida. The land area proposed to be served by the District comprises approximately 4,778 gross acres. The land area is generally bounded on the north by Old Kings Road and Ranch House Grade, bounded on the south by Palm Coast Industrial Park and Pine Lakes Industrial Park Phase 2, bounded on the west by the Florida East Coast Railway, and bounded on the east by Belle Terre Parkway and Interstate-95. The following real property is located within the external boundaries of the District and is to be excluded from the District:

- a. Parcels owned by the City of Palm Coast:
  - 1011300000010300040
  - 1011300000010300020
  - 0311300000010100010
  - 2810300000010400000
  - 04113000000101000A0
- b. Parcels owned by Florida Water Services Corporation:
  - 33103000000103000A1
  - 2810300000010100010

The following real property is located outside the boundaries of the District which are excluded from the District:

- a. Parcels owned by Donald L. Deal, Jr.:
  - 2110301400001900080
  - 2110301400001100000
- b. Parcel owned by the City of Palm Coast:
  - 1011300000010300030
- c. Parcel owned by Palm Coast Community Service Corporation:
  - 1011300000010100050
- d. Parcel owned by Frank & Odelle Clegg:
  - 2110301400000100000
- e. Parcel owned by David J. & Hazel Cook:
  - 2110300000020400000
- f. Parcel owned by Wilda Hargette, et al.:
  - 3310300000010100000

The Petitioner has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. There are currently three owners of property making up the boundaries of the District. It is estimated that there will be approximately 7,700 residents in the District upon completion of the proposed development. Petitioner notes that actual numbers are difficult to quantify at this point in time. The development plan for the proposed lands within the District also includes 900 acres of commercial, office and industrial development to be divided into 30 to 50 individual parcels. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, parks and recreational facilities, fire prevention and control, schools, security, mosquito control, waste collect and disposal, or any other project, within or without the boundaries of the District as required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 10 to the petition to establish the District. The scope of the

SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Flagler County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Flagler County and the City of Palm Coast will also incur one-time administrative costs. Costs to the City of Palm Coast are offset by the required filing fee paid to the City of Palm Coast by Petitioner. The proposed District will incur costs for operations and maintenance of its facilities and for its administration. These costs will be determined as such time that the District is established and an operations and maintenance budget has been adopted. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District should have a positive impact on small businesses or the local economy and will not have a negative impact on small cities or counties. Flagler County is not a small county and the City of Palm Coast is not defined as a small city for purposes of this requirement. The data utilized in the SERC (as amended) was provided by the developer/petitioner and represents the best information available.



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

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Wednesday, June 22, 2005

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

PALM COAST PARK COMMUNITY DEVELOPMENT DISTRICT

42AAA-1.001 Establishment.

The Palm Coast Park Community Development District is hereby established.

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

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' PIPE LINE EASEMENT EAST OF AND PARALLEL WITH U.S. #1 (300' RIGHT-OF-WAY); THENCE NORTH 22°47'18" WEST 955.79' 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;

LESS AND EXCEPT FLORIDA WATER SERVICES CORP. WELL SITE SW-43, A 100'x150' PARCEL RECORDED IN OFFICIAL RECORDS BOOK 110, PAGE 283, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; 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; 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, PAGE 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, THEN NORTH 82°42'27" WEST A DISTANCE OF 1150.71 FEET, THEN 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°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°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.

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°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°38'10" EAST A DISTANCE OF 129.55 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 19°01'15" WEST A DISTANCE OF 1352.35 FEET; THENCE NORTH 57°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°47'15" EAST ALONG SAID MAINTENANCE YARD BOUNDARY A DISTANCE OF 708.34 FEET; THENCE NORTH 67°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°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°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°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°53'06"W ALONG THE NORTH LINE OF SAID SECTION 22 A DISTANCE OF 1759.19 FEET TO THE WESTERLY RIGHT OF LINE OF INTERSTATE 95; THENCE S25°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°15'GL"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°01'49"; THENCE FROM A CHORD BEARING OF N57°15'57"W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 1089.60 FEET TO THE POINT OF TANGENCY; THENCE N89°16'51"W 869.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS 525.00 FEET AND A CENTRAL ANGLE OF 34°53'44"; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 319.75 FEET TO THE POINT OF TANGENCY; THENCE N54°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°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°32'17"E, ALONG SAID WESTERLY LINE AND AN EXTENSION THEREOF 288.73 FEET; THENCE S60°29'04"E 350.00 FEET; THENCE N29°30'56"E 207.20 FEET; THENCE S60°29'04"E 582.59 FEET; THENCE N64°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'RW), 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"X6" 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' WIDE) AND THAT PORTION OF LONDON WATERWAY (100' 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 THOROUGH 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 NUMBER 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 NUMBER 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, PAGE 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 FOOT 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 SUBTENDE 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. 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 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42AAA-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: David Lusby, Carol Benedict, David Root, John V. “Jack” Kelly, and Marilyn Parker.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update July 2004 to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003. The handbook update includes revisions to the physician staffing requirements, policy allowing medical deductions in determining patient responsibility, policy on days reserved for hospital stays and therapeutic leave, the methods for calculating a nursing facility’s occupancy for the prior quarter of the year, and an update to the requirements for a notice for transfer or discharge. The effect will be to incorporate by reference in the rule the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update July 2004 to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.902, 409.905, 409.908 FS.

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

TIME AND DATE: 2:00 p.m., Monday, June 20, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sam Chaaban, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003, updated July 2004, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, 9-28-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sam Chaaban  
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLES: License Classification  
Moral Character

RULE NOS.: 61A-1.013  
61A-1.017

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is issue licensing requirements related to the sale and distribution of alcoholic beverages.

SUMMARY: These rules will address licensing requirements regarding the sale and distribution of alcoholic beverages.

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

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

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.14, 561.15, 561.29, 561.43, 559.791, 563.02, 564.02, 565.02, 565.03 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: Renee Alsbrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-1.013 License Classification.

MANUFACTURERS LICENSE

This license pertains to the manufacture and distribution of alcoholic beverages at wholesale to licensed distributors.

MANUFACTURERS

Series (a)-MW – To manufacture wines and nothing else in all Counties 1000.00

Series (b)-MWC – To manufacture wines and cordials and nothing else -ALL counties 2000.00

Series (c)-MB – To manufacture malt beverages and nothing else 3000.00

Series (d)-D – To distill spirituous liquors and nothing else 4000.00

Series(e)-RB – To rectify and/or blend spirituous liquors and nothing else 4000.00

DISTRIBUTORS LICENSE

This license pertains to the selling and distribution of alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.

DISTRIBUTORS

Series (e)-DB – To distribute beverages containing not more than 6.243 ~~3-2~~% of alcohol by weight in “Dry” counties 1250.00

Series (j)-DBW – To distribute wines of any alcoholic content and beverages containing not more than 14% of alcohol by weight in “Wet” counties 1250.00

Series (k)-LD – To distribute all beverages regardless of alcoholic content and beverages containing not more than 3.2% alcohol by weight in “Dry” counties 4000.00

Series (k)-LD~~2~~ – In counties having a population of 15,000 or less, a restricted license may be issued for the distribution of all beverages of alcoholic content if county is “Wet” 1000.00

Series BSA/IMP – Brokers Sales Agent/Importer 500.00

EXPORTERS LICENSE

This license pertains to the transportation of tax-exempt alcoholic beverages into Florida under bond, to be exported under bond for delivery beyond the borders of Florida.

EXPORTER

Series (m)-EXP – To distribute beverages for export on ~~500.00~~ No Fee

VENDORS LICENSE

This license pertains to the selling of alcoholic beverages at retail only.

Package	1-APS Beer Consumption	1-COP Beer Package	2-APS Beer & Wine Consumption	2-COP Beer & Wine Package	PS Liquor	COP Liquor Consumption
COUNTY POPULATION						
Counties over 100,000	\$100.00	\$200.00	\$140.00	\$280.00	<u>\$1365.00</u>	<u>\$1820.00</u>
Counties 75,000-100,000	80.00	160.00	120.00	240.00	<u>1312.50</u> <u>1170.00</u>	<u>1750.00</u> <u>1560.00</u>
Counties 50,000-75,000	60.00	120.00	100.00	200.00	<u>1225.00</u> <u>975.00</u>	<u>1500.00</u> <u>1300.00</u>
Counties 25,000-50,000	40.00	80.00	80.00	160.00	<u>937.50</u> <u>643.50</u>	<u>1250.00</u> <u>858.00</u>
Counties under 25,000	20.00	40.00	60.00	120.00	<u>618.75</u> <u>468.00</u>	<u>825.00</u> <u>624.00</u>
					<u>450.00</u>	<u>600.00</u>

Liquor vendors holding COP licenses which have more than three (3) permanent separate locations serving alcoholic beverages for consumption on the licensed premises, shall pay in addition to the license tax imposed, an additional one thousand dollars (\$1000.00). Liquor vendors holding COP licenses at theme parks which have permanent separate locations serving alcoholic beverages for consumption on the licensed premises, shall pay in addition to the license tax imposed, an additional one thousand, five hundred dollars (\$1500.00) for up to 5 bars; two thousand, five hundred dollars (\$2500.00) for 6-10 bars; and three thousand, five hundred (\$3,500.00) for more than 10 bars.

MISCELLANEOUS – VENDORS

<u>Series 11AL – American Legion Posts chartered prior to September 16, 1919</u>	<u>500.00</u>
Series 11-C – Club license to sell to members and non-resident guests only	400.00
<u>Series 11CG – Club license to sell to members and non-resident guests only at golf clubs</u>	<u>400.00</u>
<u>Series 11CX – Club license to operate service or portable bars on contiguous property at a golf club holding an 11CG license</u>	<u>100.00</u>
<u>Series GC – club license to operate service or portable bars on contiguous property at a golf club ineligible for a club license</u>	<u>100.00</u>
Series 11PA – Performing Arts Center license	400.00
Series 11PA X – Symphony Orchestra or Live Performance	400.00
Series 12-RT – Caterers at Race Tracks (Limited License)	675.00
<u>Series 13-CT – Caterer of Alcoholic Beverages license</u>	<u>1820.00</u>
<u>Series 14BC – Bottle Club License</u>	<u>500.00</u>

Series – Temporary (On Transfers Only)	100.00
<u>CMBP – Brew Pub license</u>	<u>500.00</u>
Liquor Salesman (Distributor sales representative)	<u>50.00</u> <del>no fee</del>
Vehicle Permit (Commercial Transport alcoholic beverages)	<u>5.00</u> <del>1.00</del>
Cigarette Permit (CWD) – (Cigarette wholesale dealer)	100.00
Cigarette Permit (EXP) – (Exporter)	100.00
Cigarette Permit (CDA) – (Cigarette Distributing Agent)	5.00
Cigarette Permit (TWD) – Tobacco wholesale dealer)	25.00
Retail Tobacco Products Dealer Permit	50.00
Common Carrier – Beverage Vendor	
Airlines-Steamships-Business – (Master Permit) (Certified Copy)	1100.00 25.00
Railroads – (Master Permit) (Certified Copy)	2500.00 10.00
<u>Passenger Vessels</u>	<u>1100.00</u>
<u>XL – Passenger Waiting Lounge</u>	<u>1100.00</u>
One/Two/Three Day Civic Organization/ <u>Special Sales License</u>	25.00
Off Premises Storage Permit	No Fee
Temporary Convention Permit	No Fee
State Bonded Warehouse – (initial fee, non-recurring)	1.00
<u>Sacramental Wine Permit</u>	<u>No Fee</u>
Brand Registration (Spirituos Beverage) (per label)	30.00
<u>(Vinous Beverage) (per label)</u>	<u>15.00</u>
<u>(Malt Beverage) (per label or brand)</u>	<u>30.00</u>

Specific Authority 561.11 FS. Law Implemented 561.14, 561.43, 563.02, 564.02, 565.02, 565.03, 210 FS. History–New 3-1-76, Formerly 7A-1.13, 7A-1.013, Amended \_\_\_\_\_.

61A-1.017 Moral Character.

(1) For purposes of the Beverage Law, a person of “good moral character” shall mean a person who:

- (a) Has the ability to distinguish between right and wrong and the character to observe the difference;
- (b) Observes the rules of right conduct; and
- (c) Acts in a manner that indicates and establishes the qualities of trust and confidence that is generally acceptable to the state.

(2) Conduct that does not establish the qualities of trust and confidence include the following:

(a) Being penalized for a criminal act in this country or a foreign country that is punishable by imprisonment for a term exceeding 1 year when the act is related to alcoholic beverages, failure to pay taxes, unlawful drugs or controlled substances, prostitution, or injuring another person in the preceding 15 years;

(b) Committing two or more crimes in this country or a foreign country that are punishable by imprisonment for a term exceeding 1 year, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(c) Committing an unlawful lewd, lascivious, or indecent assault or act upon or in the presence of a person under the age of 16, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(d) Having a delinquent child support obligation which has resulted in issuance of a court order for collection within the preceding 5 years;

(e) Committing two or more acts of prostitution or lewdness, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(f) Committing an act of unlawful battery, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(g) Committing an act of selling, delivering, giving, or possession with the intent to sell, give, or deliver unlawful controlled substances or drugs, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(h) Committing two or more acts in violation of alcoholic beverage laws, unless found not guilty by a court of competent jurisdiction, during the preceding 5 years;

(i) Committing perjury or giving false information under oath to a government agency or court, unless found not guilty by a court of competent jurisdiction during the preceding 5 years;

(j) Engaging in a pattern of fraud as defined in Section 409.327, Florida Statutes, unless found not guilty by a court of competent jurisdiction during the preceding 5 years; and

(k) Having had an ownership interest or managed a business whose alcoholic beverage license or permit was revoked by a government agency for a violation of a criminal

law that is punishable by imprisonment for a term exceeding 1 year or four violations of the same law during the preceding 3 years.

(3) Mitigation the division will consider in determining a person’s good moral character when there is evidence of the conduct described in subsection (2) of this rule includes:

(a) An affidavit explaining the circumstances of past conduct and evidence of the qualities of trust and confidence, the ability to distinguish between right and wrong, and the character to observe the difference; and

(b) Character references from at least 3 people who have personal knowledge of the applicant’s or licensee’s qualities of trust and confidence, the ability to distinguish between right and wrong, and the character to observe the difference. References may not include spouses, sons, daughters, or anyone employed by the applicant or licenses.

(c) Evidence of good citizenship and improving the quality of life in their community.

(4)(a) Licensee’s who fail to continue meeting the good moral character standard will be issued an administrative action to determine if the license should be revoked.

(b) Corporate and partnership licenses shall not be revoked when there are adversely affected people having an ownership interest if the licensee:

1. Terminates the employment of the person who is not of good moral character;

2. Does not give or sell additional ownership interest in the enterprise to the person who is not of good moral character where it has the legal right to restrict such purchase of additional ownership interest;

3. Prohibits the person who is not of good moral character from being on the licensed premises or talking with any employee of the licensee, except at scheduled shareholder’s meeting, unless the division has approved a petition or stipulation agreeing to vary from this restriction; and

4. Demonstrates to the satisfaction of the division that the conduct by an owner was not on a licensed premises owned by the corporation or partnership.

Specific Authority 561.11 FS. Law Implemented 561.15, 561.29, 559.791 FS. History—New 8-1-93, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Renee Alsbrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Monday, May 16, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLE: Approved Forms  
 RULE NO.: 61A-2.019

PURPOSE AND EFFECT: The Department proposes to amend the rule to clarify the current, approved forms and accompanying instructions, if any, which are to be used in the Department’s dealings with the public. This rule meets the requirements set forth in Section 120.55(1)(a)4., F.S.

SUMMARY: This rule lists the most current forms and instructions, if any, utilized by the Department. The forms are listed by both form number and subject.

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

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

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) 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: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-2.019 Approved Forms.

The following is a list of all forms currently used by the Division in its dealing with the public. A copy of these forms may be obtained by writing to: Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street 725 South Bronough Street, Tallahassee, Florida 32399 ~~32301~~, or the district office serving the area of interest. Monthly report forms are available on the division’s website at <http://www.state.fl.us/dbpr/abt/contact/index.shtml>.

FORM NUMBER	SUBJECT	EFF. DATE
<u>DBPR 4000A-002</u>	<u>Retail Surcharge Invoice Worksheet</u>	
<u>DBPR 4000A-004</u>	<u>Request for Credit or Refund of Cigarette Indicia</u>	
<u>DBPR 4000A-005EZ</u>	<u>Election of Surcharge Calculation Method and Inventory Report</u>	
<u>DBPR 4000A-005</u>	<u>Alcoholic Surcharge Report</u>	
<u>DBPR 4000A-005T</u>	<u>Alcoholic Beverage Surcharge Report Temporary Form</u>	
<u>DBPR 4000A-005EXM</u>	<u>Surcharge Nonprofit Exemption Status Sheet and Inventory Certification</u>	
<u>DBPR 4000A-006</u>	<u>Requisition and Invoice for Cigarette Tax Indicia</u>	
<u>DBPR 4000A-015</u>	<u>Application to Return Alcoholic Beverages</u>	
<u>DBPR 4000A- 032</u>	<u>Notice of Differential Prices or Change of Prices – Malt Beverages</u>	
<u>DBPR 4000A- 035</u>	<u>Application for and Permit to Import Alcoholic Beverages</u>	
<u>DBPR 4000A- 038</u>	<u>Application for Tax Exempt Wine Permit</u>	
<u>DBPR 4000A- 039</u>	<u>Record of Stamp Purchases</u>	
<u>DBPR 4000A-040</u>	<u>Affidavit of Certification for Stand-Alone Bar with Food</u>	
<u>DBPR 4000A- 100-1B</u>	<u>Alcoholic Beverage Distributor’s Monthly Report – Beer</u>	
<u>DBPR 4000A-100-1W</u>	<u>Alcoholic Beverage Distributor’s Monthly Report – Wine</u>	
<u>DBPR 4000A-100-1L</u>	<u>Alcoholic Beverage Distributor’s Monthly Report – Liquor</u>	
<u>DBPR 4000A- 105-1</u>	<u>Liquor Manufacturer’s Monthly Report – Bulk Spirits Manufactured in Florida</u>	
<u>DBPR 4000A-110-1</u>	<u>Liquor Manufacturer’s Monthly Report – Spirits Bottled in Florida</u>	



<u>DBPR 4000A-115-1</u>	<u>Distillers and Rectifiers Report of Bottling Operations</u>	<u>DBPR 4000A- 300-1</u>	<u>In-State Tobacco Products Distributor's Monthly Report</u>	
<u>DBPR 4000A- 125-1</u>	<u>Beverages Shipped to/within Florida</u>	<u>DBPR 4000A- 305-1</u>	<u>Out-of-State Tobacco Products Distributor's Monthly Report</u>	
<u>DBPR 4000A- 130-1</u>	<u>Vendor's Malt Manufacturing Return</u>	<u>DBPR 4000A-400</u>	<u>Smoking Designation Procedures Report</u>	
<u>DBPR 4000A- 135-1</u>	<u>Beer Manufacturer's Monthly Report – Beer Manufactured in Florida</u>	<u>DBR-605A</u>	<u>Certificate of Credit</u>	<u>Current</u>
<u>DBPR 4000A-140-1</u>	<u>Wine Manufacturer's Monthly Report – Bulk Wine Manufactured in Florida</u>	<u>DBR-606A</u>	<u>Report of Aleoholic Beverages Shipped to Distributors in State</u>	<u>Current</u>
<u>DBPR 4000A- 145-1</u>	<u>Bulk Wine Bottled – Details of Bulk Wine Bottled</u>	<u>DBR-607A</u>	<u>Out of State Shipments</u>	<u>Current</u>
<u>DBPR 4000A- 150-1</u>	<u>Warehouse Report</u>	<u>DBR-608A</u>	<u>Application to Import Beverages for Personal Consumption</u>	<u>Current</u>
<u>DBPR 4000A- 155</u>	<u>Common Carrier Report (Freight) – Alcoholic Beverage Shipments Into Florida</u>	<u>DBR-609A</u>	<u>Permit to Import Alcoholic Beverages into Florida</u>	<u>Current</u>
<u>DBPR 4000A- 160</u>	<u>Passenger Carrier Report – Report for Airlines and Railroads</u>	<u>DBR-610A</u>	<u>Surety Bond for Manufacturer, Distributor or Exporter of Alcoholic Beverages</u>	<u>Current</u>
<u>DBPR 4000A- 160A</u>	<u>Passenger Carrier Report – Report for Cruise Lines</u>	<u>DBR-611A</u>	<u>Surety Bond for Cigarette Wholesale Dealer, Distributing Agent or Exporter</u>	<u>Current</u>
<u>DBPR 4000A- 200-1</u>	<u>Cigarette Distributing Agent's Report</u>	<u>DBR-614A</u>	<u>Storage Warehouse Surety Bond</u>	<u>Current</u>
<u>DBPR 4000A-205-1</u>	<u>Taxable Cigarette Wholesale Dealer's Monthly Report</u>	<u>DBR-615A-1</u>	<u>Beverage Bid Request</u>	<u>Current</u>
<u>DBPR 4000A- 210-1</u>	<u>Cigarette Exporter's Report</u>	<u>DBR-615A-2</u>	<u>Official Bid Blank</u>	<u>Current</u>
<u>DBPR 4000A-220</u>	<u>Passenger Carrier Cigarette Report</u>	<u>DBR-616A-1</u>	<u>Affirmation Verification</u>	<u>Current</u>
<u>DBPR 4000A- 225-1</u>	<u>Taxpaid Cigarette Wholesale Dealer's Monthly Report</u>	<u>DBR-616A-2</u>	<u>Details of Discount or Allowance</u>	<u>Current</u>
<u>DBPR 4000A- 240</u>	<u>Monthly Changes of Vending Machine Locations</u>	<u>DBR-619A</u>	<u>Temporary Receipt</u>	<u>Current</u>
<u>DBPR 4000A- 241</u>	<u>Annual Schedule of Vending Machine Locations</u>	<u>DBR-620A-1</u>	<u>Distillers Bulk Report</u>	<u>Current</u>
<u>DBPR 4000A- 245</u>	<u>Manufacturer's Monthly Report for Distribution of Samples</u>	<u>DBR-620A-2</u>	<u>Distillers Bulk Report Summary</u>	<u>Current</u>
		<u>DBR-620A-3</u>	<u>Distillers Bulk Report Return to Stock</u>	<u>Current</u>
		<u>DBR-620A-4</u>	<u>Distillers Bulk Report Sales in State</u>	<u>Current</u>
		<u>DBR-620A-5</u>	<u>Distillers Bulk Report Out of State Sales</u>	<u>Current</u>
		<u>DBR-620A-6</u>	<u>Distillers Bulk Report Transfer to Bottling Premises</u>	<u>Current</u>
		<u>DBR-620A-7</u>	<u>Distillers Bulk Report Details of Deductions</u>	<u>Current</u>

DBR-621A-1	Distillers Bulk Report Florida Products Affidavit	Current	DBR-623A-3	Returns to Stock Previously Reported Sold Produced in Florida from Florida Products	Current
DBR-621A-2	Distillers Bulk Report Florida Products Summary	Current	DBR-623A-4	Sales only within the State Produced in Florida from Florida Products	Current
DBR-621A-3	Distillers Bulk Report Florida Products Returns to Stock	Current	DBR-623A-5	Out of State Produced in Florida from Florida Products	Current
DBR-621A-4	Distillers Bulk Report Florida Product Sales in State	Current	DBR-624A-1	Distillers and Rectifiers Report of Bottling Operations	Current
DBR-621A-5	Distillers Bulk Report Florida Products Out of State	Current	DBR-624A-2	Distillers and Rectifiers Report of Bottling Operations	Current
DBR-621A-6	Distillers Bulk Report Florida Products Transfer to Bottling Premises	Current	DBR-625A-1	Exporter's Monthly Receiving Report	Current
DBR-621A-7	Distillers Bulk Report Florida Products Details of Deduction	Current	DBR-625A-2	Exporter's Monthly Withdrawal Report	Current
DBR-622A-1	Distiller and/or Rectifier Monthly Report of Bottling Operations	Current	DBR-626A-1	Liquor Wholesale Distributor's Monthly Report—Spirituous Beverages	Current
DBR-622A-2	Distiller and/or Rectifier Report of Bottling Operations Summary	Current	DBR-626A	For Taxable Liquor Only Summary	Current
DBR-622A-3	Returns to Stock Previously Reported Sold	Current	DBR-626A-3	For Taxable Liquor Only Details of Other Deductions	Current
DBR-622A-4	Sales only within the State	Current	DBR-626A-4	For Taxable Liquor Only Details of Purchases in State	Current
DBR-622A-5	Out of State Sales	Current	DBR-626A-5	For Taxable Liquor Only Details of Purchases Out of State	Current
DBR-623A-1	Distiller and/or Rectifier Monthly Report of Bottling Operations Produced in Florida from Florida Products	Current	DBR-626A-6	Details of Sales to Other Distributors For Taxable Liquor Only Current	
DBR-623A-2	Distiller and/or rectifier Monthly Report of Bottling Operations Produced in Florida from Florida Products Summary	Current	DBR-626A-7	For Taxable Liquor Only Details of Returns to Stock	Current
			BDR-626A-8	For Taxable Liquor Only	Current
			DBR-626A-9	For Taxable Liquor Only Details of Common Carrier Claims	Current

DBR-627A-3	For Taxable Liquor Only Details of Other Deductions	Current	DBR-636A-5	Beer Manufacturers <sup>2</sup> Monthly Report Sales to Other Wholesalers in State	Current
DBR-627A-4	For Taxable Liquor Only Details of Purchases in State	Current	DBR-636A-6	Beer Manufacturers <sup>2</sup> Monthly Report Sold to Military Installations in Florida	Current
DBR-627A-5	Details of Purchases Out of State For Taxable Liquor Only	Current	DBR-636A-7	Beer Manufacturers <sup>2</sup> Monthly Report Details of Out of State Sales	Current
DBR-627A-6	For Taxable Liquor Only Details of Sales to Other Distributors	Current	DBR-636A-8	Beer Manufacturers <sup>2</sup> Monthly Report Exported Out of Country	Current
DBR-627A-7	For Taxable Liquor Only Details of Returns to Stock	Current	DBR-636A-9	Beer Manufacturers <sup>2</sup> Monthly Report Sales to Ships	Current
DBR-627A-8	For Taxable Liquor Only Details of Out of State Sales	Current	DBR-636A-10	Beer Manufacturers <sup>2</sup> Monthly Report Details of Breakage Wholesale Distributors	Current
DBR-627A-9	For Taxable Liquor Only Details of Common Carrier Claims	Current	DBR-637A-1	Beer Tax Report For Taxable Malt Beverages Only Summary	Current
DBR-628A	Warehouse Report	Current	DBR-637A	For Taxable Beer Only Details of Other Deductions	Current
DBR-629A	Report of Common Carrier	Current	DBR-637A-3	For Taxable Beer Only Details of Purchases in State	Current
DBR-630A	Report for Railroads, Pullman Company, Boats, Buses & Airplanes	Current	DBR-637A-4	For Taxable Beer Only Details of Purchases Out of State	Current
DBR-631A-1	Report of Shipment of Malt Beverages	Current	DBR-637A-5	For Taxable Beer Only Beer Sales to Other Distributors	Current
DBR-631A-2	Report of Wines Shipped into Florida	Current	DBR-637A-6	For Taxable Beer Only Details of Returns to Stock	Current
DBR-631A-3	Report of Spirituous Beverages	Current	DBR-637A-7	For Taxable Beer Only Details of Out of State Sales	Current
DBR-634A	Affirmation Verification Authorization Card	Current	DBR-637A-8	For Taxable Beer Only Details of Received from Other Breweries	Current
DBR-636A-1	Beer Manufacturers <sup>2</sup> Monthly Report	Current	DBR-637A-9		
DBR-636A-2	Summary of Beer Manufacturers <sup>2</sup> Monthly Report	Current			
DBR-636A-3	Beer Manufacturers <sup>2</sup> Monthly Report of Returns to Stock	Current			
DBR-636A-4	Beer Manufacturers <sup>2</sup> Monthly Report Received from Other Breweries	Current			

DBR-637A-10	For Taxable Beer Only-Details of Sales to Government Stores	Current	DBR-641A-9	For Taxable Wine Only-Details of Common-Carrier Claims	Current
DBR-637A-11	Details of Malt Beverages, 3.2% or Less, Sold in Dry Counties	Current	DBR-642A-3	Wine Manufactured in Florida from Florida Products-Details of Other Deductions	Current
DBR-640A-1	Manufacturers <sup>2</sup> Monthly Wine Report	Current	DBR-642A-4	For Taxable Wine Only-Wine Manufactured in Florida from Florida Products-Details of Purchases in State	Current
DBR-640A-2	For Taxable Wine Manufactured in Florida-Summary	Current	DBR-642A-5	For Taxable Wine Only-Details of Purchases Out of State	Current
DBR-640A-3	For Taxable Wine Manufactured in Florida-Details of Deductions	Current	DBR-642A-6	For Taxable Wine Only-Details of Sales to Other Distributors	Current
DBR-640A-4	Manufactured and Sold in Florida Only-Details of Sales to Other Distributors	Current	DBR-642A-7	For Taxable Wine Only-Details of returns to stock	Current
DBR-640A-5	For Taxable Wine Manufactured in Florida>Returns to Stock	Current	DBR-642A-8	For Taxable Wine Only-Details of Out of State Sales	Current
DBR-640A-6	For Taxable Wine Manufactured in Florida and Sold Outside the State	Current	DBR-642A-9	For Taxable Wine Only-Details of Common-Carrier-Claims	Current
DBR-641A-1	Wholesale Distributors Wine-Tax Report	Current	DBR-643A-1	Summary of Bulk Wine-Bottled	Current
DBR-641A-2	For Taxable Wine Only-Summary	Current	DBR-643A-2	Wine-Bottled in Florida-Details of Bulk-Wine-Purchased	Current
DBR-641A-3	For Taxable Wine Only-Details of Other Deductions	Current	DBR-643A-3	Wine-Bottled in Florida-Details of Bulk-Wine-Bottled	Current
DBR-641A-4	For Taxable Wine Only-Details of Purchases in State	Current	DBR-644A	Application for Permit to Purchase Sacramental Wines	Current
DBR-641A-5	For Taxable Wine Only-Details of Purchases Out of State	Current	DBR-645A	Permit for Sacramental Wines	Current
DBR-641A-6	For Taxable Wine Only-Details of Sales to Other Distributors	Current	DBR-648A	Certificate for Breakage and/or Spoilage of Alcoholic Beverages	Current
DBR-641A-7	For Taxable Wine Only>Returns to Stock	Current	DBR-650A-1	Cigarette-Distributing Agents-Report	Current
DBR-641A-8	For Taxable Wine Only-Details of Out of State Sales	Current			

DBR-650A-2	Cigarette Distributing Agents Report Details of Cigarettes Received	Current	DBR-652A-7	Cigarette Wholesale Dealer's Report Schedule F	Current
DBR-650A-3	Cigarette Distributing Agents Report Details of Shipments or Deliveries within State of Florida	Current	DBR-652A-8	Cigarette Wholesale Dealer's Report Schedule J	Current
DBR-650A-4	Cigarette Distributing Agents Report Details of Cigarettes Shipped Out of State	Current	DBR-652A-9	Cigarette Wholesale Dealer's Report Schedule G	Current
DBR-651A-1	Common Carriers' Monthly Report of Cigarettes Refused, Short, Lost or Stolen	Current	DBR-652A-10	Schedule H Sales to Armed Forces	Current
DBR-651A-2	Common Carriers' Monthly Report of Cigarettes	Current	DBR-652A-11	Cigarette Wholesale Dealer's Report Schedule D—Sold in County Areas	Current
DBR-651A-3	Common Carriers' Monthly Report of Cigarettes Schedule "A"	Current	DBR-652A-11b	Cigarette Wholesale Dealer's Report Schedule D—Sold in County Areas for "ODD" Sizes Only	Current
DBR-651A-4	Common Carriers' Monthly Report of Cigarettes Schedule "B"	Current	DBR-652A-12	Cigarette Wholesale Dealer's Report Schedule C—Returns to Stock	Current
DBR-651A-5	Common Carriers' Monthly Report of Cigarettes Schedule "C"	Current	DBR-652A-13	Cigarette Wholesale Dealer's Report Schedule K—Miscellaneous	Current
DBR-651A-6	Common Carriers' Monthly Report of Cigarettes Schedule "X"	Current	DBR-652A-14	Disposition Entries	Current
DBR-652A-1	Cigarette Wholesale Dealers' Report	Current	DBR-653A	Cigarette Wholesale Dealer's Report Schedule L—Sales to Indians Reservations	Current
DBR-652A-2	Cigarette Wholesale Dealer's Report	Current		Disposition of Sample Cigarettes Put on Aircraft in Florida for Disposition while in Flight Outside the State of Florida	Current
DBR-652A-3	Schedule of Stamp Purchases and Meter Settings—Purchases Paid For in Cash on Delivery		DBR-654A-1	Cigarette Exporter's Report	Current
DBR-652A-4	Schedule of Stamp Purchases and Meter Settings Charge in Lieu of Payment	Current	DBR-654A-2	Details of Cigarettes Received from Manufacturers	Current
DBR-652A-5	Cigarette Wholesale Dealer's Report Schedule A	Current	DBR-654A-3	Details of Cigarettes Received from Others	Current
DBR-652A-6	Cigarette Wholesale Dealer's Report Schedule B	Current	DBR-654A-4	Details of Withdrawals for Export	Current
			DBR-654A-5	Details of Other Tax Exempt Withdrawals	Current

DBR 654A-6	Details of Taxable Withdrawals	Current	<u>DBPR ABT-6002</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 655A	Non-Resident Agent's Monthly Report	Current		<u>Application for Multiple License Locations</u>	
DBR 656A	Monthly Report of Cigarette Sales	Current	<u>DBR702L</u>	<u>Application for Additional License, Change of Location, Increase in Series, Decrease in Series, One Day Permit, Temporary Permit, Other</u>	Current
DBR 657A	Manufacturers' Monthly Report Reflecting Disposition of Sample Cigarettes	Current			
DBR 661A	ID Sticker for Vending Machines	Current	<u>DBPR ABT-6003</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 661A-2	Application for Identification Decals or Notification of Changes in Vending Machine Locations	Current	<u>DBPR ABT-6004</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 663A	Signature Card	Current		<u>Change of Officer/ Stockholder Application</u>	
DBR 665A	Requisition for Cigarette Meter Units	Current	<u>DBPR ABT-6005</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 666A	Requisition for Cigarette Tax Stamps	Current		<u>Application for Tobacco Products Wholesaler Dealer</u>	
DBR 667A	Requisition for Cigarette Meter Units Charge in Lieu of Payment	Current	<u>DBPR ABT-6006</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 668A	Requisition for Cigarette Tax Stamps Charge in Lieu of Payment	Current	<u>DBR 706L</u>	<u>Special Restaurant Affidavit</u>	Current
DBR 677A	Certificate of Stamp Destruction	Current	<u>DBPR ABT-6007</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 678A	Application for Refund of Cigarette Meter Imprints and/or Stamps	Current	<u>DBR 707L</u>	<u>Request for Cancellation of Permanent License</u>	
DBR 686A	Cigarette Inventory	Current	<u>DBPR ABT-6008</u>	<u>Hotel-Motel-Motor Court Affidavit</u>	Current
DBR 692A	Discrepancy Letter	Current		<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 693A	Retail Location Verification Letter	Current		<u>Application for Importers, Brokers, or Sales Agent Licenses</u>	
DBR 696A	Registration Form Jenkins Act	Current	<u>DBR 708L</u>	<u>Abandonment Affidavit</u>	Current
DBR 700L	New Alcoholic Beverage License Applications	Current	<u>DBPR ABT-6009</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
<u>DBPR ABT-6001</u>	<u>Division of Alcoholic Beverages and Tobacco</u>			<u>Change of Business Name or Change of Mailing Address</u>	
	<u>Application for Alcoholic Beverage License &amp; Tobacco Permit</u>		<u>DBPR ABT-6010</u>	<u>Division of Alcoholic Beverages and Tobacco</u>	
DBR 701L	Application for Transfer	Current		<u>Application for Changes to Pool Buying Groups</u>	

<u>DBR 710L</u>	Personal Questionnaire Application for Alcoholic Beverage License or Cigarette Permit	Current	<u>DBPR ABT-6020</u>	Division of Alcoholic Beverages and Tobacco Application for Common Carrier License
<u>DBR 711L</u>	Request for Change of Business Name, Change of Mailing Address	Current	<u>DBPR ABT-6021</u>	Division of Alcoholic Beverages and Tobacco Fingerprint Affidavit
<u>DBPR ABT-6011</u>	Division of Alcoholic Beverages and Tobacco Application for Caterer's License		<u>DBR 721L</u>	Application for Delinquent Renewal of Beverage License
<u>DBPR ABT-6012</u>	Division of Alcoholic Beverages and Tobacco Application for Passenger Vessel Permit		<u>DBPR ABT-6022</u>	Division of Alcoholic Beverages and Tobacco Application for Mortgagee's Interest in Spirituous Alcoholic Beverage License
<u>DBPR ABT-6013</u>	Division of Alcoholic Beverages and Tobacco Application for Distributor's Salesperson of Wine or Spirits		<u>DBPR ABT-6023</u>	Division of Alcoholic Beverages and Tobacco Special License Inspection Form
<u>DBPR ABT-6014</u>	Division of Alcoholic Beverages and Tobacco Change of Location/ Increase in Series Application		<u>DBPR ABT-6024</u>	Division of Alcoholic Beverages and Tobacco Application for Cigarette/ Tobacco Wholesaler, Tobacco Exporter, or Cigarette Distributing Agent
<u>DBPR ABT-6015</u>	Division of Alcoholic Beverages and Tobacco Application for Delinquent Renewal		<u>DBPR ABT-6025</u>	Division of Alcoholic Beverages and Tobacco Reverter Affidavit for Quota Licenses
<u>DBR 715L</u>	Off-Premises Storage Permit	Current	<u>DBPR ABT-6026</u>	Division of Alcoholic Beverages and Tobacco Application for Exporter Registration
<u>DBPR ABT-6016</u>	Division of Alcoholic Beverages and Tobacco Application for Vehicle Permit		<u>DBPR ABT-6027</u>	Division of Alcoholic Beverages and Tobacco Application for Escrow of an Alcoholic Beverage License
<u>DBR 717L</u>	Application for Licensed Liquor Salesman	Current	<u>DBPR ABT-6028</u>	Division of Alcoholic Beverages and Tobacco Application for Retail Tobacco Products Dealer Permit
<u>DBR 718L</u>	Application for Renewal of Salesman License	Current	<u>DBPR ABT-6029</u>	Division of Alcoholic Beverages and Tobacco Application for Extension of Licensed Premises or Amended Sketch of Licensed Premises
<u>DBPR ABT-6017</u>	Division of Alcoholic Beverages and Tobacco Application and Inspection Report for Off-Premises Storage Permit		<u>DBPR ABT-6030</u>	Division of Alcoholic Beverages and Tobacco Administrative Escrow Request
<u>DBPR ABT-6018</u>	Division of Alcoholic Beverages and Tobacco Primary American Source of Supply and Brand/Label Registration Application			
<u>DBPR ABT-6019</u>	Division of Alcoholic Beverages and Tobacco Notification for Change in Wholesale Distributors			

<u>DBPR ABT-6031</u>	<u>Division of Alcoholic Beverages and Tobacco Request for Withdrawal of Application</u>		<u>DBPR ABT-6038</u>	<u>Division of Alcoholic Beverages and Tobacco Application for Tax Exempt Wine Permit</u>	
<u>DBPR ABT-6032</u>	<u>Division of Alcoholic Beverages and Tobacco Surety Bond Form</u>		<u>DBPR ABT-6039</u>	<u>Division of Alcoholic Beverages and Tobacco Notification of Election to Permit Tobacco Smoking in the Licensed Premises</u>	
<u>DBR 723A-L</u>	<u>Notice</u>	<u>Current</u>			
<u>DBR 723L</u>	<u>Alcoholic Beverage License</u>	<u>Current</u>			
<u>DBR 724L</u>	<u>Application for Vehicle Permit</u>	<u>Current</u>	<u>DBR 744L</u>	<u>Application for Wholesaler's, Distributing Agent's, or Exporter's Cigarette Permit</u>	<u>Current</u>
<u>DBR 725L</u>	<u>Application Disapproval Letter</u>	<u>Current</u>			
<u>DBR 727L</u>	<u>Application for Individual Brand Registration</u>	<u>Current</u>	<u>DBR 747L</u>	<u>Preliminary Application for New Quota Alcoholic Beverage License</u>	<u>Current</u>
<u>DBR 728L</u>	<u>Florida State Brand Registration License</u>	<u>Current</u>	<u>DBR 750L</u>	<u>Sketch</u>	<u>Current</u>
<u>DBR 729L</u>	<u>Application for Railroad, Boats, Airplanes, etc.</u>	<u>Current</u>	<u>DBR 751L</u>	<u>Certificate (Reverter Affidavit)</u>	<u>Current</u>
<u>DBR 731L</u>	<u>Delinquent List From Distributor Notice</u>	<u>Current</u>	<u>DBR 766L</u>	<u>Post Card (C.O.D.) Delinquent</u>	<u>Current</u>
<u>DBR 732L</u>	<u>Delinquent List Release</u>	<u>Current</u>	<u>DBR 769L</u>	<u>Delinquent Post Card</u>	<u>Current</u>
<u>DBPR ABT-6033</u>	<u>Division of Alcoholic Beverages and Tobacco Quota License Entry Form</u>		<u>DBR 770L</u>	<u>Special Bowling Alley Affidavit</u>	<u>Current</u>
<u>DBPR ABT-6034</u>	<u>Division of Alcoholic Beverages and Tobacco Application for a Bottle Club License and Retail Tobacco Products Dealer Permit</u>		<u>DBR 771L</u>	<u>Tennis Club Affidavit</u>	<u>Current</u>
<u>DBR 734L</u>	<u>Fingerprint Affidavit</u>	<u>Current</u>	<u>DBR 772L</u>	<u>Club Golf Course Affidavit</u>	<u>Current</u>
<u>DBPR ABT-6035</u>	<u>Division of Alcoholic Beverages and Tobacco Application for Transfer of Ownership of an Alcoholic Beverage License</u>		<u>DBR 773L</u>	<u>Notice to License Delinquent List</u>	<u>Current</u>
<u>DBPR ABT-6036</u>	<u>Division of Alcoholic Beverages and Tobacco Election of Surcharge Calculation Method and Inventory Report Form</u>		<u>DBR 775L</u>	<u>Vehicle Decal</u>	<u>Current</u>
<u>DBPR ABT-6037</u>	<u>Division of Alcoholic Beverages and Tobacco License or Permit Application Waiver</u>		<u>DBR 778L</u>	<u>Application for Primary American Source Registration</u>	<u>Current</u>
			<u>DBR 782L</u>	<u>Letter Requesting Criminal Record</u>	<u>Current</u>
			<u>DBR 783L</u>	<u>Zoning, Health, Sales Tax, Right of Occupaney</u>	<u>Current</u>
			<u>DBPR ABT 4000E-001</u>	<u>Detail of Seized Evidence</u>	
			<u>DBPR ABT 4000E-004</u>	<u>Record of Visit – Product Inspection</u>	
			<u>DBPR ABT 4000E-004a</u>	<u>Notice to Comply</u>	
			<u>DBR 801E</u>	<u>Official Notice (Citation)</u>	<u>Current</u>
			<u>DBPR ABT 4000E-008</u>	<u>Notice to Appear</u>	
			<u>DBR 823E</u>	<u>Suspension Sign</u>	<u>Current</u>
			<u>DBPR ABT 4000E-024</u>	<u>Subpoena Duces Tecum (Production of Records Only)</u>	
			<u>DBR 826E</u>	<u>Subpoena Duces Tecum (Production of Records Only)</u>	<u>Current</u>



<u>DBPR ABT 4000E-026</u>	<u>Subpoena Duces Tecum (Taking of Depositions)</u>	
<u>DBR 827E</u>	<u>Subpoena (Taking of Depositions)</u>	<b>Current</b>
<u>DBR 828E</u>	<u>Subpoena Duces Tecum (Taking of Depositions)</u>	<b>Current</b>
<u>DBPR ABT 4000E-027</u>	<u>Supplemental Application Applicant Background Form</u>	<b>Current</b>
<u>DBPR ABT 4000E-032</u>	<u>Consent to Search</u>	
<u>DBR 847E</u>	<u>Consent to Search</u>	<b>Current</b>
<u>DBPR ABT 4000E-045</u>	<u>Non-Criminal Tobacco Citation</u>	
<u>DBPR ABT 4000E-046</u>	<u>Investigative Aide Statement</u>	
<u>DBPR ABT 4000E-047</u>	<u>Warning of Constitutional Rights</u>	
<u>DBR 960</u>	<u>Notice to Show Cause— Notice of Informal Conference</u>	<b>Current</b>
<u>DBR 961</u>	<u>Notice of Informal Conference Right to A Hearing</u>	<b>Current</b>
<u>DBR 966</u>	<u>Witness Subpoena</u>	<b>Current</b>

Exceptions in Employment of Minors and Others 61A-3.039  
 Bottle Club Licenses 61A-3.049  
 Hardship for Extension to Activate Quota License 61A-3.053  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.  
 SUMMARY: These rules will address licensing requirements regarding the sale and distribution of alcoholic beverages.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.  
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 561.11, 561.14 FS.  
 LAW IMPLEMENTED: 561.08, 561.14, 561.17, 561.18, 561.19, 561.20, 561.29, 561.42, 562.13, 562.121, 563.02, 564.02, 565.02, 565.03, 565.05, 565.06 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: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

Specific Authority 120.53(1)(b) FS. Law Implemented 120.53 FS. History—New 11-19-81, Formerly 7A-2.19, Formerly 7A-2.019, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLES:	RULE NOS.:
Special Restaurant Licenses	61A-3.0141
Club Licenses	61A-3.019
Licenses, Change of Series	61A-3.020
Pool Buying Procedures	61A-3.0305

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-3.0141 Special Restaurant Licenses.

(1) Special restaurant licenses in excess of the quota limitation set forth in subsection 561.20(1), Florida Statutes, shall be issued to otherwise qualified applicants for establishments that are bona fide restaurants engaged primarily in the service of food and non-alcoholic beverages, if they qualify as special restaurant licensees as set forth in subsection (2) of this rule. Special restaurant licensees must continually comply with each and every requirement of both subsections (2) and (3) of this rule as a condition of holding a license. Qualifying restaurants must meet the requirements of this rule in addition to any other requirements of the beverage law. The suffix “SRX” shall be made a part of the license numbers of all such licenses issued after January 1, 1958.

(2) Special restaurant licenses shall be issued only to applicants for licenses in restaurants meeting the criteria set forth herein.

(a) Except in the counties of Alachua, Brevard, Broward, Citrus, for premises with a cocktail lounge or open bar, Dade, Pasco, St. Lucie, Walton, Martin, Nassau, Okaloosa,

Okeechobee, Osceola, Hendry, Highlands, Hillsborough, Indian River, ~~Lake~~ and Orange County with respect to ~~Orlando~~, Winter Park, and Maitland, each of the above being controlled by general law or special act, a qualifying restaurant must have a service area occupying 2,500 or more square feet of floor space.

1. The required square footage shall not include any space contained in an uncovered or not permanently covered area adjacent to the premises because food service is not available at all times.

2. The required square footage shall be contiguous and under the management and control of a single licensed restaurant establishment.

3. Kitchens, food service areas, pantries, storage rooms, offices, and toilets, used exclusively in the operation of the restaurant shall be included in the required square footage. Measurements will be taken from the outside of qualifying structures or areas.

(b) Except in the counties of Alachua, Brevard, Broward, Dade, Hendry, Highlands, Walton, Hillsborough, Indian River, Pasco, Martin, Nassau, Okaloosa, St. Lucie, Osceola, ~~and Orange County with respect to Orlando, Winter Park and Maitland, and Citrus with respect to restaurants having an open bar/lounge~~, each of the above being controlled by general law or special act, a qualifying restaurant must have accommodations for the service and seating of 150 or more patrons at tables at one time.

1. The tables and seating must be located within the floor space provided for in paragraph (2)(a) of this rule.

2. The tables must be of adequate size to accommodate the service of full course meals in accordance with the number of chairs or other seating facilities provided at the table.

3. Seating at counters used to serve food shall be included in the minimum seating requirements.

(c) Except in those counties and municipalities controlled by general law or special act, as set forth in paragraph (2)(b) of this rule, a qualifying restaurant must have all equipment for the service of 150 full course meals on the premises at one time.

(d) An applicant for an SRX license must either hold, or have applied for, the appropriate restaurant license issued by the Division of Hotels and Restaurants prior to issuance of the temporary SRX license. The restaurant must hold the appropriate restaurant license before it will be eligible for a permanent SRX license.

(e) A qualifying restaurant must comply with all fire safety laws relating to the operation of a restaurant.

(3) Qualifying restaurants receiving a special restaurant license after April 18, 1972 must, in addition to continuing to comply with the requirements set forth for initial licensure, also maintain the required percentage, as set forth in paragraph

(a) or (b) below, on a bi-monthly basis. Additionally, qualifying restaurants must meet at all times the following operating requirements:

(a) At least 51 percent of total gross revenues must come from retail sale on the licensed premises of food and non-alcoholic beverages. Proceeds of catering sales shall not be included in the calculation of total gross revenues. Catering sales include food or non-alcoholic beverage sales prepared by the licensee on the licensed premises for service by the licensee outside the licensed premises.

1. Qualifying restaurants must maintain separate records of all purchases and gross retail sales of food and non-alcoholic beverages and all purchases and gross retail sales of alcoholic beverages.

2. The records required in subparagraph (3)(a)1. of this rule must be maintained on the premises, or other designated place approved in writing by the division for a period of 3 years and shall be made available within 14 days upon demand by an officer of the division. The division shall approve written requests to maintain the aforementioned records off the premises when the place to be designated is ~~the business office, open 8 hours per work day, of a corporate officer, attorney, or accountant; the place to be designated is located in the State of Florida; and the place to be designated is~~ precisely identified by complete physical mailing address.

3. Since the burden is on the holder of the special restaurant license to demonstrate compliance with the requirements for the license, the records required to be kept shall be legible, clear, and in the English language.

4. The required percentage shall be computed by adding all gross sales of food, non-alcoholic beverages, and alcoholic beverages and thereafter dividing that sum into the total of the gross sales of food plus non-alcoholic beverages.

(b) Restaurants issued special restaurant licenses prior to April 18, 1972 but after September 1, 1969 shall be required to derive at least 30 percent of gross revenues from the sale of food and non-alcoholic beverages.

(c) Restaurants holding special restaurant licenses issued prior to September 1, 1969 are not required to derive any fixed amount of gross revenue from the sale of food and non-alcoholic beverages but must operate as a bona fide restaurant and meet the other requirements of this rule.

(d) Full course meals must be available at all times when the restaurant is serving alcoholic beverages except alcoholic beverage service may continue until food service is completed to the final seating of restaurant patrons for full course meals. A full course meal as required by this rule must include the following:

1. Salad or vegetable;
2. Entree;
3. Beverage; and
4. Bread.

(e) For purposes of determining required percentages, an alcoholic beverage means the retail price of a serving of beer, wine, straight distilled spirits, or a mixed drink.

(4) Establishments obtaining and operating under a temporary initial license as provided in Section 561.181(2), Florida Statutes, or under a temporary transfer license as provided in Section 561.331, Florida Statutes, shall be investigated by the division during said operation and prior to issuance of a permanent license to insure that the establishment is a bona fide restaurant primarily engaged in food and non-alcoholic beverage sales and service and that the requirements of this rule have been met. The failure of an establishment to operate as a bona fide restaurant during said period of time shall result in denial of the application for a special restaurant license. An application for a special restaurant license from an establishment which has had a prior application for a special restaurant license denied during the previous 30-day period will be accepted by the division. The recent denial of the prior application will, however, be deemed a disclosure on the face of the subsequent application of a reason to deny such subsequent application. Accordingly, in such cases, no temporary initial license will be issued for a period of 30 days to allow the division inspectors to ensure that the reason to deny has been abated.

Specific Authority 561.11 FS. Law Implemented 561.20(2)(a)4. FS. History--New 8-23-90, Amended 5-19-91, 10-22-91, Formerly 7A-3.0141, Amended \_\_\_\_\_.

61A-3.019 Club Licenses.

All clubs licensed under the beverage law must adhere to the following regulations:

(1) Alcoholic beverages may be served only to bona fide club members or to their guests. The payment for such service and distribution must be made only by bona fide club members.

(2) Such clubs must have a definite fixed method of electing persons to membership in the club; such method must be described by the club's bylaws and must have some relation to the object and purpose of the club.

(3) Such clubs may sell and serve alcoholic beverages to club members and their invited guests only within the license premises as described by such sketch appearing on the application.

(4) Spirituous beverages may be purchased only in individual containers which are not larger than 1.75 liters or 59.18 ounces nor smaller than 0.75 liter or 25.36 ounces.

(5) Such clubs are required to observe the same hours of sale as permitted other licensees in the same city or county, unless a special act, city ordinance or resolution of the board of county commissioners establishes different hours of service for holders of such club licenses.

(6) All service and distribution of alcoholic beverages by any such club must be for consumption on the premises only and no alcoholic beverages may be sold in sealed containers for off-premises consumption.

(7) Clubs are prohibited from selling or serving or permitting their service of alcoholic beverages at social functions given at the club by any non-member of the club.

(8) Clubs, in order to qualify, shall have been in continuous active existence devoted to promoting and pursuing the objectives provided by statute for a club for a period of not less than two years in the county where they exist, provided, however, the statutory exceptions as found in Section 565.02(4), Florida Statutes, shall not be affected by this subsection.

(9) It shall be shown conclusively that the organization has actively pursued the purposes and objectives and goals of the charter and bylaws of that organization prior to issuance of a club license.

(10) Nothing in this rule shall prohibit the sale of vinous or malt beverages in unsealed containers not otherwise prohibited by law for on-premises consumption only.

(11) If any club holding a beverage license shall change club officers, such club shall within 30 ~~40~~ days of the change file an application with the district office of the Division of Alcoholic Beverages and Tobacco and give a declaration of current officers. Any newly elected officers who have not previously been fingerprinted shall ~~by the Division must have taken by~~ submit his or her ~~their~~ fingerprints to the division within this 30-day period.

(12) Subsection (11) does not apply to club licenses issued to national fraternal organizations. For these licenses, instead of all officers, only the official club manager, club steward, or bar manager needs to file an application and be fingerprinted when there is a change.

Specific Authority 561.11 FS. Law Implemented 561.20(7), 565.02(4), 565.05, 565.06 FS. History--Amended 3-22-73, Repromulgated 12-19-74, Amended 3-1-76, 7-18-85, Formerly 7A-3.19, 7A-3.019, Amended \_\_\_\_\_.

61A-3.020 Licenses, Change of Series.

Any person, firm, or corporation holding a beverage license for which the annual fee has been paid in full may, upon qualifying for a license requiring a higher annual license fee, exchange it for the license requiring a higher annual license fee, upon payment of the difference between the annual rate of the first license purchased and the annual rate of the license desired; provided, however, all such transactions must be based upon the division's ~~director's~~ approval of the application to make such transactions. Applications for such transactions must be submitted to the Division of Alcoholic Beverages and Tobacco ~~district supervisor of the district of the Division of Beverage~~ wherein the premises of the license in question is located and shall ~~must~~ be processed in the manner prescribed in Sections 561.17, 561.18, and 561.19, Florida Statutes. No

reimbursement will be made by the Division to a holder of a beverage license who desires exchanging it for a license requiring a lower annual license fee.

Specific Authority 561.11 FS. Law Implemented 561.17, 561.18, 561.19, 563.02, 564.02, 565.02, 565.03 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-3.20, 7A-3.020, Amended \_\_\_\_\_.

#### 61A-3.0305 Pool Buying Procedures.

(1) “Purchases between members of a pool buying group” shall mean that a member of a pool buying group who is part of the pool order making up a single transaction shall pay the buying agent directly for its share of the order, or shall give the buying agent the payment to remit to the distributor owed for the alcoholic beverages received. All payments shall be for the exact amount shown delivered on the invoice from the distributor, and all orders shall be placed in the following manner:

(a) All pool orders for alcoholic beverages shall be ordered from distributors by the pool buying agent.

(b) The pool buying agent shall place the order under the name of the pool buying group and provide instructions for delivery as well as each licensed vendor’s part of the pool order.

(c) Each distributor shall be responsible for creating the individual invoices for each vendor and a master invoice which shall include all alcoholic beverages ordered following the invoice rule and referring to each associated invoice supporting the master invoice.

(2) “Members of a pool buying group” shall mean all licensed premises reported and on file with the division, using form DBPR ~~ABT-6010 42-010~~, “Application for Changes to Pool Buying Groups”, effective \_\_\_\_\_ ~~6/93~~ and incorporated herein and available upon request from the Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399-1021, prior to being a part of a pool order.

(3) “Pool Buying Agent” shall be the licensed vendor who is registered by the pool buying group with the division, using form DBPR ~~ABT-6010 42-010~~, “Application for Changes to Pool Buying Groups”, effective \_\_\_\_\_ ~~6/93~~ and incorporated herein and available upon request from the Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399-1021, prior to placing any pool orders.

(4) All of the members of a pool buying group who participate in an order which was not timely paid by the pool buying agent, shall be considered delinquent accounts and reported to the division as required by Section 561.42, F.S.

(5) Pool buying agents are required to maintain, for a period of 3 years, records of each pool order placed. The following information must be included in these records:

(a) The date the pool order was placed and each date it was revised.

(b) The distributor who was given the order.

(c) The names and license numbers of each pool member participating in the pool order.

(d) The price, discounts, and net price of all alcoholic beverages ordered by each member in the pool order.

(e) The date when deliveries of pool orders are made to the pool buying agents premises, which is a permitted off-premises storage area.

(6) Upon written request, a pool buying agent must make available for inspection all papers and reports related to pool orders, purchases, and payments within 10 days to any division employee.

(7) Transfer of alcoholic beverages to the vendor who ordered the products as a part of a single transaction pool purchase from a vendor who received the products shall be considered a purchase between members of a pool buying group; provided the transfer is made within 7 days after delivery and a record of the transaction is made by the vendor transferring the products to another vendor. This record shall include:

- (a) Business name and license number of each vendor;
- (b) Names, sizes, and quantities of products transferred;
- (c) Date delivery of products was received;
- (d) Date physical transfer of products was made;
- (e) Unique identifier that links the record with a specific pool order.

Specific Authority 561.11 FS. Law Implemented 561.14(3), 561.08, 561.42 FS. History—New 1-20-97, Amended \_\_\_\_\_.

#### 61A-3.039 Exceptions in Employment of Minors and Others.

(1) As used in Section 562.13, Florida Statutes:

(a) “Employ” means selecting a person to perform work for wages or tips who is subject to dismissal and control by the licensee. It shall also include permitting a person to work or the presence of any person in any place of employment during open hours who is not a customer.

(b) “Drugstores, grocery stores, department stores, florists, specialty gift shops, automobile service stations”, shall mean any premises for which a beer or beer and wine package only license is issued.

(c) “Senior high school student” shall mean any person who has completed the ninth grade and enrolled in the tenth, eleventh, or twelfth grade in a public or private school.

(d) “Senior high school graduate” shall mean any person who has been issued a high school or high school equivalency diploma.

(e) “Written permission” shall mean that the licensee has on the licensed premises a copy of the high school diploma or evidence that the person is a senior high school student.

(f) “Bona fide food service establishment” shall mean any premises issued a current and valid restaurant license from the Division of Hotels and Restaurants and which derives at least

51 percent of its total gross revenues from the retail sale of food and non-alcoholic beverages served for consumption on the premises on a bi-monthly basis.

(g) "Sale, preparation, and service of alcoholic beverages" shall not include cashier duties, whose sole job is accounting for guest checks and income, bussing tables, or general cleaning duties.

(2) Each licensed vendor who employs ~~employes~~ anyone under 18 years of age shall maintain on the licensed premises a position description that lists all of their duties.

(3) A licensed vendor is not prohibited from employing anyone under 18 years of age in a business which is not licensed to sell alcoholic beverages, or in the vendor's office, provided it is a separate premises and not connected to the licensed premises by an interior doorway.

(4) Chapter 450, Part I, Florida Statutes, set forth special restrictions when employing persons under the age of 18.

Specific Authority 561.11 FS. Law Implemented 562.13 FS. History--New 10-1-68, Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-3.39, 7A-3.039, Amended 2-28-94, \_\_\_\_\_.

61A-3.049 Bottle Club Licenses.

(1) Definition. A bottle club is:

(a) A commercial establishment;

(b) Operated for profit, whether or not a profit is actually made;

(c) A premises where alcoholic beverages are not sold but where patrons are allowed to consume alcoholic beverages on the premises; and

(d) Located in a building or other enclosed or covered structure.

(2) The definition of a bottle club does not include:

(a) Sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held.

(b) Bona fide restaurants licensed by the Division of Hotels and Restaurants, whose primary business is the service of full course meals. A public food service establishment licensed by the Division of Hotels and Restaurants is not conclusive in determining whether or not a public food service establishment is a bona fide restaurant. A bona fide restaurant is a premises that holds itself out to be primarily a restaurant, advertises as a full service restaurant, offers a complete menu as opposed to snacks or fast food, and meets all of the requirements of Rule 61A-3.0141, Florida Administrative Code, except for the requirement that 51 percent of the gross proceeds come from food and non-alcoholic beverages.

(c) Hotels and motels licensed by the Division of Hotels and Restaurants.

(3)~~(a)~~ Owners or operators of bottle clubs must hold a bottle club license issued by the Division of Alcoholic Beverages and Tobacco. Applications for a bottle club license shall be made on DBPR ABT-6034 ~~form 42-049~~,

APPLICATION FOR A BOTTLE CLUB LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT, incorporated herein by reference and effective \_\_\_\_\_ ~~2-26-91~~.

~~(b) A DBR form 42-050, PERSONAL QUESTIONNAIRE BOTTLE CLUBS, incorporated herein by reference and effective 2-26-91, must be completed by all applicants and persons directly connected with the business sought to be licensed.~~

(4) Bottle club licenses are subject to all of the pertinent laws, rules and regulations relevant to alcoholic beverages.

(5) Bottle club licensees may not purchase alcoholic beverages for subsequent sale to patrons nor may they sell alcoholic beverages to patrons.

(6) Bottle club licensees are subject to all general, special, and local laws regulating vendors of alcoholic beverages including laws or ordinances permitting the operation of bottle clubs after the hours of sale for alcoholic beverages have elapsed.

Specific Authority 561.11, 561.14 FS. Law Implemented 561.14, 562.121 FS. History--New 2-26-91, Formerly 7A-3.049, Amended \_\_\_\_\_.

61A-3.053 Hardship for Extension to Activate Quota License.

(1) The division shall grant an extension to all licensees who request that their license remain inactive if the licensee can demonstrate to the division that:

(a) The value of the license is less than the licensee's original cost of the license;

(b) The licensee has listed the license with a broker in a formal, written ~~written~~ agreement;

(c) The licensee is advertising the license at least monthly in a newspaper of general circulation in the classified section;

(d) If a corporate license has more than one shareholder, then documentation proving that corporate approval is pending for activation of the license at a new location;

(e) Documentation that activation of the license is pending a land use approval of a new site (special exceptions, zoning, variances, environmental approvals, and comprehensive plan amendments); or

(f) Documentation showing the ongoing negotiation of a lease or purchase of a building or land.

(2) A licensee who owns a quota license may petition the division for an extension to activate the license by setting forth in writing evidence of any one or more of the hardships or attempts to activate as specified above. Each petition must include an estimated date to activate the license and additional extension must be requested by petition at least 30 days prior to the activation date.

(3) The division shall state in all extension letters the 12-month period the licensee must operate the license for the required time set forth in Sections 561.29(1)(h) and (1)(i), Florida Statutes.

(4) "Active" shall mean that the licensee is in compliance with Section 561.29, Florida Statutes, and is making weekly purchases of alcoholic beverages from distributors, the license is located at a business premises, and sales of alcoholic beverages are made each week.

Specific Authority 561.11 FS. Law Implemented 561.29 FS. History--New 2-28-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Monday, May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLES:	RULE NOS.:
Delinquent Accounts, Reporting	61A-4.003
Brand Registration	61A-4.005
Storage Permits	61A-4.020
Deliveries to Vendors	61A-4.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

SUMMARY: These rules will address licensing requirements regarding the sale and distribution of alcoholic beverages.

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

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

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.01, 561.07, 561.14, 561.42, 561.56, 561.57, 562.03, 565.03, 565.08, 565.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division

of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-4.003 Delinquent Accounts, Reporting.

(1) All distributors of alcoholic beverages shall report weekly, to the Division ~~in a manner on forms~~ prescribed by the Division for that purpose, all vendors that have been delinquent in the payment of their accounts for the purchase of alcoholic beverages. Each delinquent vendor shall be ~~so reported on a separate report~~ and a copy of such report shall be furnished the vendor by the distributor at the time the report is filed with the Division. If purchases involved in the delinquency were made by a chain or pool buying cooperative, the report shall so state. In the case of a co-op purchase, the agent for the co-op shall be notified in the same manner as any other vendor. All such reports of delinquent accounts for the purchase of alcoholic beverages submitted to the Division must include the ownership as licensed by the division, business name, license number, invoice number, invoice date, and amount of invoice ~~be accompanied by a complete copy of all invoices and delivery tickets representing or~~ reflecting the delinquency for the single transaction as shown by the records of the distributor.

(2) Upon receipt of such documents, the vendor will be placed on the "delinquent list," in accordance with the provisions of Subsection 561.42(4), Florida Statutes. Vendors will be placed on the "delinquent list" for the invoiced amount, or in the case of chain or pool buying cooperatives for the master invoiced amount of the delinquency, on purchases of alcoholic beverages only.

Specific Authority 561.11 FS. Law Implemented 561.01(10), 561.42(3), (4), (5) FS. ~~Florida Beverage Corporation, Inc. et al. v. Wynne, 306 So. 2d 200 (Fla. 1st DCA 1975);~~ History--Repromulgated 12-19-74, Amended 3-1-76, 11-28-76, 1-28-80, Formerly 7A-4.03, 7A-4.003, Amended \_\_\_\_\_.

61A-4.005 Brand Registration.

(1) Each brand or label of spirituous, vinous, or malt beverages sold or offered for sale within the State of Florida or transported within the State of Florida must be registered with the Division and must have a brand registration number assigned to it by the Division. Requests for registration of brands shall be submitted on forms prescribed by the department for that purpose and in the manner prescribed by the Division.

(2) The manufacturer, distiller, rectifier, processor, blender, bottler, importer and distributor of each brand or label that is to be registered with the Division is responsible for its registration and for the payment of fees in connection with such registration; provided, however, nothing herein shall prevent a distributor or vendor from disposing of a brand in

the normal course of business if the brand's registration has not been renewed subsequent to the purchase of the alcoholic beverage by the distributor or vendor.

(3) The registration of any brand or labels may be suspended or revoked in the same manner as a beverage license for any violation by the registrant or its agent of any of the beverage laws of the State of Florida or of any rules, regulations or administrative orders promulgated pursuant thereto. During the period of the suspension or revocation of the registration of any brand or brands or labels no distributor shall purchase, receive, bring into, or cause to be brought into the State of Florida any such brand or label. No brand under suspension or revocation may be re-registered by another registrant.

(4) The registration year for all brands or labels shall be from July 1 to June 30 inclusive of each year.

(5) Annual registration of brands shall be ~~affected~~ effected by additions to or deletions from the master list of the registrant for the previous year and by the payment of:

(a) ~~Thirty (\$30.00)~~ thirty (\$30.00) dollars for each spirituous brand or label registered;-

(b) Fifteen (\$15.00) dollars for each vinous brand or label registered;

(c) Thirty (\$30.00) dollars for each malt brand or label registered.

(6) Subsequent to the annual registration of brands or labels, any registrant desiring to register new brands or labels under which spirituous beverages are to be sold or offered for sale or transported within the State of Florida may register such brand or label on a registration form prescribed by the Division for that purpose and must make payment of ~~thirty twenty (\$30.00)~~ thirty (\$30.00) dollar registration fee for each spirituous such brand or label, thirty (\$30.00) dollar registration fee for each vinous brand or label, and fifteen (\$15.00) dollar registration fee for each malt brand or label. The payment of the ~~\$20.00~~ registration fee shall be for the balance of the current registration year as set forth in Section (4) above.

(7) Distributors or vendors are prohibited from possessing, dealing in, or exercising control over any spirituous, vinous, or malt beverages if the brand or label of such ~~spirituous~~ spirituous beverages ~~have~~ has not been registered with the Division as provided by law. Any such ~~spirituous~~ spirituous beverages shall be seized by the Division and disposed of in a manner prescribed by law.

Specific Authority 561.11 FS. Law Implemented 565.08, 565.09 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-4.05, 7A-4.005, Amended \_\_\_\_\_.

61A-4.020 Storage Permits.

(1) Manufacturers, rectifiers, distributors, vendors and cooperatives or pool buying vendors who require additional storage outside of their licensed premises must obtain a permit therefor. Such permits can be obtained from the Division without fee, provided that the storage room is located in the same county as the parent place of business of the licensee or

agent of such cooperatives or pool buying vendors to whom the permit was issued and provided that no such permits shall be issued to a structure which is or is a part of the residence or garage of a licensee or any employee of any licensee. Such permits authorize the storage of alcoholic beverages only in sealed containers. Applications for such permits shall be made on forms prescribed by the Division for that purpose and shall be submitted to Bureau of Licensing personnel ~~the district supervisor~~ of the district in which the licensed place of business for which the permit is sought is located.

(2) The district office will prepare, ~~in quadruplicate~~, a permit showing the name of the licensee and the licensed premise(s) he owns and operates. ~~The permits will be validated by the signature of the district supervisor and distributed as follows: The permit is Original,~~ to be posted at the location where the alcoholic beverages are to be stored.

(3) ~~Applications for off-premises storage permits may be accepted at any time; however, renewals will be issued on an annual basis concurrent with the beverage license year and shall automatically renew with the renewal of the beverage license.~~ Should the ownership of the beverage license change, a new off-premises storage permit will be required, otherwise, the permit shall remain in effect until cancelled by the licensee or division.

(4) In the event a licensee discontinues the use of storage permits, the permit ~~both copies~~ shall be forwarded to the district office for cancellation.

(5) By acceptance of such storage permit, the licensee shall agree that the storage premises shall be subject to search by authorized employees of the Division, sheriffs, deputy sheriffs, and police officers during the hours such premises is occupied.

Specific Authority 516.11 FS. Law Implemented 561.07, 562.03, 565.03(2) FS. History—Repromulgated 12-19-74, Amended 3-1-76, 1-28-80, Formerly 7A-4.20, 7A-4.020, Amended \_\_\_\_\_.

61A-4.030 Deliveries to Vendors.

No manufacturer or distributor may deliver alcoholic beverages to a vendor at a location other than the licensed premises of a vendor for which the invoice covering the purchase of such alcoholic beverages has been prepared or a premises for which the vendor has secured an off-premises storage permit. Deliveries may also be made at the warehouse of a manufacturer or distributor to a vendor or his authorized agent; provided, however, that all such deliveries must be made to a vehicle to which is attached a Division of Alcoholic Beverages and Tobacco Vehicle Permit issued to the licensee making such purchase and, provided further that the invoice or sales ticket covering all such purchases and deliveries must show, in addition to the information required by other rules, the Vehicle Permit number and the fact that the delivery was made at the warehouse of the manufacturer or distributor. Manufacturers engaged in the business of distilling, rectifying

or blending of spirituous liquors licensed under Section 565.03(1) shall not make deliveries of alcoholic beverages to any vendor in violation of Section 561.14(1), F.S.

Specific Authority 561.11 FS. Law Implemented 561.14(1), 561.56, 561.57, 565.03(1) FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-4.30, 7A-4.030, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Monday, May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLES:	RULE NOS.:
Obtaining of Forms	61A-5.001
Completed Application	61A-5.010
Beverage Licenses, New Quota Issue	61A-5.0105
Completed Application for the Grant of a New Quota Liquor License	61A-5.011
Application for Retail Tobacco Products Dealer Permit	61A-5.056
Application for Alcoholic Beverage License	61A-5.700
License Cancellation Request	61A-5.708
Personal Questionnaire	61A-5.710
Quota License Entry Form	61A-5.747
List of License Application Requirements	61A-5.761

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

SUMMARY: These rules will address licensing requirements regarding the sale and distribution of alcoholic beverages.

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

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

SPECIFIC AUTHORITY: 561.08, 561.11 FS.

LAW IMPLEMENTED: 120.57, 561.01, 561.08, 561.11, 561.14, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.33, 561.331, 561.37, 561.371, 561.42, 565.02 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: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-5.001 Obtaining of Forms.

Any form which is authorized for use or which is required by the Division of Alcoholic Beverages and Tobacco may be obtained by request from the division field office serving the local area of interest or by writing to the division as follows:

Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1021 or by visiting AB&T's page of the DBPR web site at <http://www.state.fl.us/dbpr/abt/contact/index.shtml>.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11 FS. History—New 2-16-89, Formerly 7A-5.001, Amended \_\_\_\_\_.

61A-5.010 Completed Application.

The term “completed application” as used herein is defined to describe the requirements by which the division will accept any application for a temporary or permanent alcoholic beverage license. ~~The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.~~

(1) A completed application shall include the following:

(a) The DBPR ~~ABT-6001 form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE~~, incorporated herein by reference and effective ~~\_\_\_\_\_ 2-16-89~~, must be complete and requirements furnished in accordance with the ~~DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS, incorporated herein by reference instructions for completing DBPR ABT-6001 and effective 2-16-89~~. Any agreements or financial documentation which are required as attachments as a result of the completion of Section 9 and Section 12 ~~the completion of Section III of the DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE III of the DBPR ABT-6001 form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE~~ must also be furnished.

(b) Partner, Officer, Stockholder Personal Information sheet must be completed by all applicants and person or persons interested directly or indirectly with the applicant in the business sought to be licensed. ~~A DBR form 710L, PERSONAL QUESTIONNAIRE, incorporated herein by~~



~~reference and effective 2-16-89 must be completed by all applicants and persons directly connected with the business sought to be licensed.~~

(c) A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought.

(d) The processing fee for each set of fingerprints submitted with the application.

(2) Applicants for the following types of licenses will be required to provide or complete the following additional documents:

(a) ~~All~~ ~~An~~ applicants for a ~~new issuance of a quota liquor~~ license shall provide a right of occupancy to the specified location in the application. Right of occupancy includes, but is not limited to, a lease agreement, a rental contract, a sublease, a warranty deed or any documentation that in a court of law would establish an applicant's right to occupy the premises sought to be licensed.

(b) An applicant for a transfer of a quota liquor license shall provide records of gross sales for the past 3 years or for the period of time current licensee has held license in order that the division may compute the transfer fee. An applicant may, in lieu of providing these records, elect to pay the applicable transfer fee as provided by general law.

(c) An applicant for a club license shall provide:

1. The club by-laws;
2. The club charter; and
3. The articles of incorporation.

(d) An applicant for a special pleasure or excursion boat license shall provide a Certificate of Documentation and a Certificate of Inspection from the Coast Guard showing the boat has a capacity for at least 125 passengers.

(e) An applicant for a new or transfer license to be issued at a location where a current license exists shall provide:

1. DBPR ABT-6007, REQUEST FOR CANCELLATION OF PERMANENT LICENSE or DBPR ABT 6030, ADMINISTRATIVE ESCROW REQUEST, incorporated herein by reference, effective \_\_\_\_\_, A DBR form 708L, LICENSE CANCELLATION REQUEST, incorporated herein by reference and effective 2-16-89; or

2. A cancellation request in writing for the current license executed by the licensee of record.

(f) An applicant for a distributors or manufacturers license shall provide a surety bond as required by general law.

(3) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) FS. History--New 2-16-89, Formerly 7A-5.010, Amended \_\_\_\_\_.

61A-5.0105 Beverage Licenses, New Quota Issue.

The division will follow the below listed procedures when entry forms are accepted for issuance of new state liquor licenses authorized by Florida Law, when they become available by reason of an increase in the population of a county or city, or a county voting to permit the sale of intoxicating beverages when such sale had previously been prohibited, or when a quota license is made available as a result of being revoked on or after July 1, 2003:

(1) The application period for each quota alcoholic beverage drawing shall begin on the third Monday in August of each year issuance of quota alcoholic beverage licenses has been authorized and last 90 days. The division shall publish a legal notice in ~~newspapers of general circulation within the counties in which licenses become available and~~ the Florida Administrative Weekly and on the Division of Alcoholic Beverages and Tobacco's Internet web page. In the event there is no newspaper of general circulation in the county where a new liquor license is authorized, the alternative posting procedure, found in Section 49.11, F.S., shall be used. Each The legal notice published will include the deadline for filing applications, the number of licenses available for issuance in each county, ~~or city~~, and the location of the division's office where applications may be obtained ~~and filed~~.

(2) All persons seeking to apply for a new quota license shall file DBPR ~~form ABT-6033~~ 4000-033L, QUOTA LICENSE ENTRY FORM, effective \_\_\_\_\_, effective 1/98 and incorporated herein by reference, together with the non-refundable filing fee stated on the form. The entry form shall be delivered to the division or postmarked on or before the final date, set forth in the legal notice, ~~and shall be date stamped by the division on the date the form is received. Forms received which are not accompanied by the required non-refundable filing fee will be held and notice sent to the to the applicant that the fee and must be received or postmarked on or before the final date set forth in the legal notice. Forms received on or before the final date which are not complete, not signed, shall be issued a notice to cure the deficiency within 14 days of the date of the letter. Forms postmarked on or before the deadline provided in the notice of deficiency letter will be deemed to be timely filed. The notification will be mailed to the applicant's mailing address by regular mail. Applicants shall not be granted extensions for filing applications except by petition showing good cause and no negligence by the applicant. The applicant(s) will have fourteen (14) days to correct the incomplete, submitted application. If the application is not complete within the 14 days it will be denied with Section 120, F.S., rights provided to the applicant.~~

(3) A list of all applicants selected may be obtained from any of the division's offices or by visiting the Division of Alcoholic Beverages and Tobacco's Internet web page.

(4) The division shall notify those applicants who are selected as a result of the double random selection drawing by certified mail. Such notification will be sent to the mailing address listed on the entry form or subsequently filed with the division. It shall be the applicant's responsibility to maintain a correct mailing address with the division.

(5) All applicants selected for the right to apply for a license licenses shall file a completed application, referenced in Rule 61A-5.010, F.A.C. Failure to file a completed application package within 45 days of the date of the selection notice, shall result in the denial of the application filed.

(6) When any application has been disapproved and all hearings and appeals, pursuant to Sections 120.569 and 561.19(4), F.S., have been completed, the division shall notify the next person in order of priority from the random drawing by certified mail of their opportunity to obtain an available license in accordance with the procedures for notifying the originally selected parties. The division shall follow such procedure until all available licenses have been awarded.

(7) Any person or persons who have been selected for licenses shall not be prohibited from having the license issued in the name of a corporation, or other legal entity, if 100% of the business is owned by the person or persons listed on the winning entry form for inclusion in the drawing.

(8) For the purposes of this section, "more than one applicant" shall mean that an applicant may have a direct or indirect interest in only one application in each county ~~or city~~ for which a license is available, but may file separate entry forms for licenses in different counties ~~or cities~~ for an opportunity to obtain an available license.

(9) For the purposes of this section, "method of double random selection by public drawing" shall mean a computer program which determines the order of selection for the director as prescribed in Section 561.19(2)(a), F.S.

~~(10) Notwithstanding subsection (2) above, persons applying for the application period beginning April 1, 1998 through June 29, 1998, shall use Form ABT 4000 999L, Quota License Entry Form, effective 10/16/97 and incorporated herein.~~

Specific Authority 561.11 FS. Law Implemented 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS. History--New 1-20-97, Amended 1-8-98,

61A-5.011 Completed Application for ~~the Grant of a New~~ Quota Liquor License.

The term "completed application" as used herein is defined to describe the requirements by which the division will accept an application for the grant of a New Quota Liquor License. The division will only accept applications for filing which are

~~complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.~~

(1) A completed application shall include the following:

(a) ~~The DBPR ABT-6001, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT as set forth in Rule 61A-5.010, F.A.C.; and, form 701L, APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE,~~ incorporated herein by reference; ~~and effective 2-16-89, pages (1) and (2);~~

(b) ~~The DBR form 710L, APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE, pages (3) and (4) for each individual listed on pages (1) and (2) of the application;~~ A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought; ~~and.~~

(c) The processing fee for each set of fingerprints submitted with the application.

(2) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11, 561.18, 561.19, 561.20 FS. History--New 2-16-89, Formerly 7A-5.011, Amended

61A-5.056 Application for Retail Tobacco Products Dealer Permit.

(1) In order to be permitted as a Retail Tobacco Products Dealer or make changes to an existing permit, one of the following must be completed and filed with the division by the applicant or permittee:

(a) File for a permit or change thereto using form DBPR ~~ABT-6028 42-056,~~ APPLICATION FOR RETAIL TOBACCO PRODUCTS DEALER PERMIT incorporated herein by reference and effective \_\_\_\_\_ effective December 20, 1992 or;

(b) File for a permit or make changes thereto and simultaneously file for an alcoholic beverage license by using form DBPR ~~ABT-6001 42-001,~~ APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT ~~Application for Alcoholic Beverage License, Cigarette Wholesale Dealer, or Retail Tobacco Products Dealer Permit,~~ as referenced in Rule 61A-5.700, F.A.C. ~~or;~~

(c) File for multiple permits or make changes thereto by using form DBR 42-056 and form DBR 42-057, Short Form Application for Tobacco Products Dealer Permit(s), incorporated herein by reference and effective December 20, 1992.

(2) The fee for a new Retail Tobacco Products Dealer permit shall be \$50. The fee must accompany the DBPR ABT-6028, APPLICATION FOR RETAIL TOBACCO PRODUCTS DEALER PERMIT ~~permit application DBR 42-056 or DBR 42-057~~, which is submitted to the division. Applicants filing simultaneously for an alcoholic beverage license and a retail tobacco products dealer permit on form DBPR ABT-6001, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT ~~DBR 42-001~~ will submit the fee after the application has been approved by the central office in Tallahassee. A notice of approval and fee payment due will be sent to the applicant for the alcoholic beverage license and the Retail Tobacco Products Dealer permit.

(3) The terms “place of business”, “place”, “the premises”, “location”, “single location” and “permitted premises” are synonymous. Place of business is defined as rooms where tobacco products are stored or sold or kept for the purpose of sale or consumption.

(a) Where sales of tobacco products are conducted through a vending machine, the premises shall include the place where the vending machine is located and any such vending machine including the area within the unobstructed line of sight of the dealer, the dealer’s agent or employee responsible for preventing sales to persons under 18 years of age.

(b) Where sales of tobacco products are conducted from a cart or person moving about the place of business, the premises shall include any such conveyance.

(c) A theme park complex, a hotel or resort complex, a stadium, an airport facility and the like will be considered a “single location” when all buildings or structures are owned, managed, controlled or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(d) Itinerant stores, industrial caterers, trains, steamships and similar vehicles and vessels may be permitted for the retail sale of tobacco products with the vehicle or vessel being designated as the place of business. In any such case, the location address shall be designated as “Mobile” ~~the office or homeport address in this state where the vehicle or vessel is domiciled.~~

(4) The permit year for a Retail Tobacco Products Dealer permit shall be from January 15 through the following January 15 of each year and shall not be pro rated except as follows:

(a) The division shall establish a process whereby the permit year for a Retail Tobacco Products Dealer permit shall be changed in order that the alcoholic beverage license and the tobacco permit may be renewed simultaneously.

(b) A person who is both an alcoholic beverage licensee and a Retail Tobacco Products Dealer permittee will have a permit year commensurate with the alcoholic beverage license

year. The permit year shall be either April 1 through March 31, or October 1 through September 30 commensurate with the license year of the alcoholic beverage license, as follows:

1. ~~The initial issuance of a new permit to be valid on or after January 15, 1993 shall be issued at a pro rata fee of \$12.50 to be valid through March 31, 1993 or at a pro rata fee of \$37.50 to be valid through September 30, 1993, depending on the area wherein the Retail Tobacco Products Dealer’s alcoholic beverage license is located.~~

2. ~~Thereafter, the permit will be renewed at a full year fee and the permit year shall be either April 1 through March 31, or October 1 through September 30 commensurate with the license year of the alcoholic beverage license.~~

(5) A Retail Tobacco Products Dealer permit may not be transferred to a new owner. Such permit may change location after an application has been filed with the division and after the application has been approved and a new permit issued. There shall be no fee to change the location of a retail tobacco products permit.

(6) The division shall issue at the request of the applicant a temporary Tobacco Products Dealer Permit whenever an applicant is also filing for a temporary alcoholic beverage license of any kind. There shall be no additional fee for the issuance of a temporary Tobacco Products Dealer Permit.

(7) If a permit is lost or destroyed, a retail tobacco products permittee may apply to the Department of Business and Professional Regulation, Division of Service Operations, 1940 North Monroe Street, Tallahassee, FL 32399, ~~division for the issuance of a duplicate permit. This shall be in affidavit form,~~ advising that the permit has been lost or destroyed accompanied by a payment of a ~~\$245~~ fee.

(8) The division shall assess delinquent renewal penalties on permittees who fail to timely renew their permits. The division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the division prior to the permit being renewed.

Specific Authority Chapter 92-285, Laws of Florida. Law Implemented Chapter 92-285, Laws of Florida. History-New 12-20-92, Formerly 7A-5.056, Amended \_\_\_\_\_.

61A-5.700 Application for Alcoholic Beverage License.

(1) Any applicant for the issuance of an alcoholic beverage license must use DBPR ~~ABT-6001~~ form ~~700L~~, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO PRODUCTS DEALER PERMIT, referenced in Rule 61A-5.010, F.A.C. The application form is used for the following types of beverage license applications:

- (a) New;
- (b) New-Temporary;

(2) Any applicant for the transfer of an alcoholic beverage license must use DBPR ABT-6035, APPLICATION FOR TRANSFER OF OWNERSHIP OF AN ALCOHOLIC

BEVERAGE LICENSE, incorporated herein by reference. The form is used for the following types of beverage license applications:

- (a) Transfer
- (b) Transfer-Temporary

(3) Any applicant requesting a change of location or increase in series of an alcoholic beverage license must use DBPR ABT-6014, CHANGE OF LOCATION APPLICATION/INCREASE IN SERIES, incorporated herein by reference.

- (e) Increase in Series;
- (f) Decrease in Series;
- (g) Change in Series;
- (h) Change of Location;
- (i) Change of Location-Temporary;

(4) Any applicant requesting a change of the business name or mailing address for an alcoholic beverage license must use DBPR ABT-6009, CHANGE OF BUSINESS NAME OR CHANGE OF MAILING ADDRESS APPLICATION, incorporated herein by reference.

- (j) Change of Business Name;
- (k) Change of Officer;
- (l) Correction of Information; and,
- (m) Other Miscellaneous Changes.

(5) Any applicant requesting a change of the officers, members, partners, or stockholders of an entity possessing an alcoholic beverage license must use DBPR ABT-6004, CHANGE OF OFFICER/STOCKHOLDER/AMENDED CORPORATE NAME APPLICATION, incorporated herein by reference.

(6)(2) The information as requested on the application by the division may not be deleted or changed by an applicant. Answers to the questions on the application that are changed in any manner must be initialed and dated by the applicant.

Specific Authority 561.11, 561.08 FS. Law Implemented 561.08, 561.11, 561.17, 561.181, 561.19, 561.32, 561.33, 561.331 FS. History-New 2-16-89, Formerly 7A-5.700, Amended \_\_\_\_\_.

61A-5.708 License Cancellation Request.

Unless specifically authorized by statute, the division may not issue more than one alcoholic beverage license to a location. A property owner or his agent may use DBPR ABT-6030, ADMINISTRATIVE ESCROW REQUEST, DBR form 708L LICENSE CANCELLATION REQUEST, referenced in Rule 61A-5.010, F.A.C. to request cancellation of an alcoholic beverage license when the current licensee has been evicted or has abandoned the premises and the premises has been rented or leased to a new tenant. The form is filed in duplicate and must be signed by the property owner or his agent.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.01(11), 561.17 FS. History-New 2-16-89, Formerly 7A-5.708, Amended \_\_\_\_\_.

61A-5.710 Personal Questionnaire.

~~The DBR form 710L, PERSONAL QUESTIONNAIRE, referenced in Rule 61A-5.010, is part of an application for an alcoholic beverage license. The form is to be completed by applicants or persons who have a direct interest in a business for which a license is sought. The form is used by the division to provide background information for investigative leads to determine whether the individual meets all qualifications. The DBR form 710L, PERSONAL QUESTIONNAIRE, is filed in duplicate when required by the division and the signature must be notarized.~~

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.15, 561.17, 561.18, 561.22, 561.25, 561.42 FS. History-New 2-16-89, Formerly 7A-5.710, Repealed \_\_\_\_\_.

61A-5.747 Quota License Entry Form Preliminary Application for a New Quota Alcoholic Beverage License.

(1) DBPR ABT-6033, QUOTA LICENSE ENTRY FORM, DBR form 42-033, PRELIMINARY APPLICATION FOR A NEW QUOTA ALCOHOLIC BEVERAGE LICENSE incorporated herein by reference and effective 5-24-92, must be used by an applicant to gain entry into a quota license drawing.

(2) The information contained in the form must be sworn to and must be completed by all parties listed on the application.

(3) The division will only accept applications for inclusion in the drawing filing which are complete. A complete application includes the payment required to enter the drawing. ~~Incomplete applications delivered to the division will be returned with the application fee to the applicant with a letter advising the reason the application is being returned.~~

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.17, 561.19, 561.20 FS. History-New 3-6-90, Amended 6-28-90, 5-24-92, Formerly 7A-5.747, Amended \_\_\_\_\_.

61A-5.761 List of License Application Requirements.

~~Any applicant seeking a license or permit from the division may request an appointment from the local division office serving the applicants' area of interest to obtain the forms and instructions necessary to file an application. The DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS, referenced in Rule 61A-5.010, is a means by which proper forms and instructions can be given to an applicant for a specific type of license or permit.~~

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11 FS. History-New 2-16-89, Formerly 7A-5.761, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Renee Alsbrook, Chief Attorney, Department of Business and Professional Regulation, Division

of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Monday, May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Examination for Restricted Licensure  
 RULE NO.: 61G3-16.007

PURPOSE AND EFFECT: The proposed rule amendments will change the scope of the written portion of the examination for a restricted barber license.

SUMMARY: The proposed rule amendments are intended to address the written portion of the examination for a restricted barber license.

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

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

SPECIFIC AUTHORITY: 455.217, 476.064(4), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.007 Examination for Restricted Licensure.

(1) No change.

(2) The written portion of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida consist of 75 questions and will be weighted as designated.

~~(a) Florida Laws and Rules—25%~~

~~(b) Safety, Sanitation and Sterilization—30%~~

~~(c) Hair Structure and Chemistry—10%~~

~~(d) Hair Cutting and Styling—15%~~

~~(e) Shampooing—5%~~

~~(f) Shaving, Beard and Mustache Trimming—15%~~

(3) through (5) No change.

Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History—New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Unlicensed Activity Fee  
 RULE NO.: 61G15-24.002

PURPOSE AND EFFECT: Purpose and effect of the proposed rule amendment is to collect the unlicensed activity fee in addition to other fees, instead of as part of the licensure and renewal fees.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 455.2281 FS.

LAW IMPLEMENTED: 455.2281 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.002 Unlicensed Activity Fee.

Specific Authority 455.2281 FS. Law Implemented 455.2281 FS. History—New 8-29-93, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: RULE NO.:

Post Licensing Education for Registered Trainee Appraisers 61J1-4.009

PURPOSE AND EFFECT: Revise and update post-licensing education requirements for registered trainee appraisers.

SUMMARY: The revisions to this rule establish when post-licensing education requirements must be completed by registered trainee appraisers. The revisions to the rule also revise the obligations of continuing education providers by requiring providers to give the Board more course and information to review. Moreover, the revisions to this rule update the content of Board prescribed end-of-course examinations that are given by continuing education providers.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 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: Elizabeth P. Vieira, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) All post licensing education for registered trainee appraisers shall, unless otherwise provided for in this subsection, conform to the standards for continuing education provided in Rules 61J1-4.003 and 61J1-4.005, F.A.C. Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, F.S.

(a) All registered trainee appraisers must satisfactorily complete one or more Board approved courses which must total at least 45 classroom hours, without duplication of material, inclusive of examination in subjects including ~~but not limited to:~~ influences on real estate value, legal considerations in appraisal, types of value, economic principles, real estate

markets and analysis, valuation process, property description, highest and best use analysis, appraisal statistical concepts, sales comparison approach, site value, cost approach, income approach, valuation of partial interests, and appraisal standards and ethics. All post licensing courses shall consist of a minimum of 15 classroom hours. A classroom hour is defined as 50 minutes of each 60-minute segment. The examination may not be open book, and ~~it~~ must be administered by a permitted instructor.

(b) 15 classroom hours of the 45-hour post-licensing requirement must be the 15-hour National USPAP course or its equivalent inclusive of examination, and must be taught by an AQB certified USPAP instructor.

(2) In addition to the 45-hour requirement all registered trainee appraisers must satisfactorily complete a minimum of 3 hours strictly dedicated to an update of the Florida Real Estate Appraisal License Law and Board rules. All required hours must be completed within the same renewal period. Post-licensure education must be taken during a single renewal period and all other continuing education for licensure renewal must be taken during other renewal periods.

(3) Post licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-certification education courses. Development of the skills necessary for licensees to operate effectively and to provide increased public protection shall be emphasized in all courses.

(4) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; one submission must be a blind copy. The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with "course approval criteria" as follows:

(a) A grade of 75% or higher on the Board prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider

offering prescribed courses must maintain a sufficient bank of questions to assure examination validity ~~end-of-course examinations shall contain at least 100 items.~~ A course that is 30 hours or less, that does not include the National USPAP, shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference.

(b) The Board shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date.

(c) The provider shall issue a notice of satisfactory completion only to those achieving a grade of 75% or higher on the end-of-course examination and attended at least 90% of the classroom hours for each section of the course.

(d) Students failing a Board prescribed post-licensing education end-of-course examination must wait at least 30 days from the date of the original examination to take the end-of-course examination. Within one year of the end of the original end-of-course examination, a student may retake the prescribed end-of-course examination a maximum of one time. Otherwise, students failing the Board prescribed end-of-course examination must repeat the Board prescribed course prior to being eligible to again take the end-of-course examination. Students retaking the end-of-course examination must be administered a different form of the end-of-course examination.

(e) Make-up classes to enable a student to take the prescribed end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end-of-course examination without the approval of the Board. Make-up classes must be the classes missed by the student and must consist of the original Board prescribed course material.

(f) All courses taken for purpose of post licensing credit must be taken completely within a classroom and may not be taken through distance education unless the licensee cannot, due to hardship, as defined by subsection (5) of this section, complete the course within a classroom. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(g) The Board may allow an additional 6-month period after the second renewal following initial licensure for registered trainees who cannot, due to hardship, as defined by subsection (5) of this section, complete the course or courses within the required time. Any person desiring to complete the

education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(5) Hardship, for purposes of Chapter 61J1-4, F.A.C., shall be defined as an inability, due to the licensee's own physical disability, to attend the place where classes are conducted.

(6) Distance Education courses, containing the same subject matter and requiring substantially the same assignment work, will be prescribed by the Board for any person who by reason of hardship cannot attend the place for classroom instruction for continuing education or post licensing education. The scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation.

~~(7)(a) Any registered Appraisal trainees appraiser, that are licensed after July 1, 2003, must and complete the 45 hour post licensure education, and the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following the trainee's most recent licensure as a trainee, and shall be exempt from the continuing education of that renewal period.:-~~

~~(a) The 45 hour post licensure education, and~~

~~(b) Any registered trainee appraiser, licensed after July 1, 2003, who does not complete these Board prescribed post licensure educational requirements and the 3 hour Florida Real Estate Appraisal Law update prior to the second renewal following initial registration is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser. The 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following the trainee's most recent licensure as a trainee, shall be exempt from the continuing education of that renewal period.:-~~

~~(8)(a) Any registered Appraisal trainees appraiser, that are licensed before July 1, 2003, must and complete the 45 hour post licensure education, and the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following July 1, 2003, and shall be exempt from the continuing education requirements of that renewal period.:-~~

~~(a) The 45 hour post licensure education, and~~

~~(b) Any registered trainee appraiser, licensed before July 1, 2003, who does not complete these Board prescribed post licensure educational requirements and the 3 hour Florida Real Estate Appraisal Law update prior to the second renewal following July 1, 2003 is void with out further administrative action. Such person may qualify to practice as a registered~~

~~trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser. The 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following July 1, 2003, shall be exempt from the continuing education requirements of that renewal period.~~

~~(9) The registration of any registered trainee who does not complete these Board prescribed post licensure educational requirements prior to the second renewal following initial registration is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser. Any registered trainee appraiser registered prior to July 1, 2003, shall comply with the Board prescribed post licensure educational requirements within the next two biennial renewal cycles following July 1, 2003.~~

~~(9)(10) Registered trainee appraisers may not satisfy any requirement of this rule with any course they have instructed.~~

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History—New 2-16-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**  
**Division of Medical Quality Assurance Boards**

RULE TITLE: Electronic Forms to be Used to Submit Data to the Continuing Education Tracking System  
RULE NO.: 64B-5.003

PURPOSE AND EFFECT: The Department proposes to incorporate by reference forms used in the continuing education tracking system.

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

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

SPECIFIC AUTHORITY: 456.004(5), 456.025(7) FS.

LAW IMPLEMENTED: 456.013(9), 456.025(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: Amy M. Jones, Division Director, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-5.003 Electronic Forms to be Used to Submit Data to the Continuing Education Tracking System.

Approved providers submitting required continuing education information and licensees who go on line to self submit continuing education information pursuant to Rule 64B-5.002, F.A.C., shall use the forms found at [www.cebroke.com](http://www.cebroke.com) (effective May 2005) with any variations as are included for the specific appropriate health care profession.

- (1) The forms to become an approved CE provider are:  
[www.cebroke.com/public/pb\\_pro\\_app\\_brd\\_select\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_brd_select_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_att\\_req\\_popup.asp?id\\_board=18](http://www.cebroke.com/public/pb_pro_app_att_req_popup.asp?id_board=18)  
[www.cebroke.com/public/pb\\_pro\\_app\\_access\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_access_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_msg\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_msg_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_company\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_company_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_assoc\\_qst\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_assoc_qst_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_course\\_msg\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_course_msg_dtl.asp)  
[www.cebroke.com/public/pb\\_add\\_course\\_dtl.asp](http://www.cebroke.com/public/pb_add_course_dtl.asp)  
[www.cebroke.com/public/pb\\_add\\_course\\_req\\_hrs\\_dtl.asp](http://www.cebroke.com/public/pb_add_course_req_hrs_dtl.asp)  
[www.cebroke.com/public/pb\\_add\\_course\\_attach\\_dtl.asp](http://www.cebroke.com/public/pb_add_course_attach_dtl.asp)  
[www.cebroke.com/public/pb\\_add\\_course\\_confirm\\_dtl.asp](http://www.cebroke.com/public/pb_add_course_confirm_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_multi\\_contact\\_qst\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_multi_contact_qst_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_contact\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_contact_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_attach\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_attach_dtl.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_fee\\_1st.asp](http://www.cebroke.com/public/pb_pro_app_fee_1st.asp)  
[www.cebroke.com/public/pb\\_pro\\_app\\_pmt\\_dtl.asp](http://www.cebroke.com/public/pb_pro_app_pmt_dtl.asp)

- (2) The forms for approved CE provider course additions are:  
[www.cebroke.com/provider/pr\\_add\\_course\\_dtl.asp](http://www.cebroke.com/provider/pr_add_course_dtl.asp)  
[www.cebroke.com/provider/pr\\_add\\_course\\_req\\_hrs\\_dtl.asp](http://www.cebroke.com/provider/pr_add_course_req_hrs_dtl.asp)  
[www.cebroke.com/provider/pr\\_add\\_course\\_att\\_popup.asp?id\\_provider=2405&in\\_approve\\_d=1](http://www.cebroke.com/provider/pr_add_course_att_popup.asp?id_provider=2405&in_approve_d=1)  
[www.cebroke.com/provider/pr\\_add\\_course\\_qst\\_dtl.asp](http://www.cebroke.com/provider/pr_add_course_qst_dtl.asp)



(3) The form for an approved CE provider to publish a course is:

[www.cebroke.com/provider/pr\\_publish\\_dtl.asp](http://www.cebroke.com/provider/pr_publish_dtl.asp)

(4) The approved CE provider location form is:

[www.cebroke.com/provider/pr\\_location\\_dtl.asp?Pnumber=0&hStatus=1&hn=1](http://www.cebroke.com/provider/pr_location_dtl.asp?Pnumber=0&hStatus=1&hn=1)

(5) The approved CE provider course completion form is:

[www.cebroke.com/provider/pr\\_roster\\_dtl.asp](http://www.cebroke.com/provider/pr_roster_dtl.asp)

(6) The approved CE provider upload course completion form is:

[www.cebroke.com/provider/pr\\_roster\\_appl.asp](http://www.cebroke.com/provider/pr_roster_appl.asp)

(7) The approved CE provider form to generate scan cards is:

[www.cebroke.com/provider/pr\\_roster\\_pdf.asp](http://www.cebroke.com/provider/pr_roster_pdf.asp)

(8) The approved CE provider profile and application fee forms are:

[www.cebroke.com/public/pb\\_servicefees\\_dtl.asp](http://www.cebroke.com/public/pb_servicefees_dtl.asp)

[www.cebroke.com/provider/pr\\_provider\\_profile.asp](http://www.cebroke.com/provider/pr_provider_profile.asp)

(9) The licensee self submit forms are:

[www.cebroke.com/public/pb\\_lic\\_app\\_access\\_dtl.asp](http://www.cebroke.com/public/pb_lic_app_access_dtl.asp)

[www.cebroke.com/public/pb\\_lic\\_app\\_user\\_dtl.asp](http://www.cebroke.com/public/pb_lic_app_user_dtl.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_disc\\_qst.asp](http://www.cebroke.com/licensee/lc_ce_request_disc_qst.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_sa\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_sa_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_require\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_require_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_qst\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_qst_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_attestation\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_attestation_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_fee\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_fee_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_pmt\\_dtl.asp](http://www.cebroke.com/licensee/lc_ce_request_pmt_dtl.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_attach\\_1st.asp](http://www.cebroke.com/licensee/lc_ce_request_attach_1st.asp)

[www.cebroke.com/licensee/lc\\_ce\\_request\\_ckh\\_dtl.asp](http://www.cebroke.com/licensee/lc_ce_request_ckh_dtl.asp)

(10) The instructor forms are:

[www.cebroke.com/provider/pr\\_app\\_instructor\\_attach\\_dtl.asp](http://www.cebroke.com/provider/pr_app_instructor_attach_dtl.asp)

[www.cebroke.com/provider/pr\\_instructor\\_dtl.asp](http://www.cebroke.com/provider/pr_instructor_dtl.asp)

Specific Authority 456.004(1),(5), 456.025(7) FS. Law Implemented 456.013(9), 456.025(7) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Erlich

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy M. Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges  
RULE NO.: 64B5-2.014

PURPOSE AND EFFECT: The Board proposes the rule amendments to address the alternative student situation when application to take the licensure examination is made prior to graduating so long as the appropriate course work has been completed. The rule amendments also re-organize the overall content.

SUMMARY: The proposed rule amendments set forth the requirements for proof of education to take the licensure examination prior to graduating.

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist by applying in the following manner:

(1) Submit at least 60 days prior to the examination:

(a) through (b) No change.

~~(c) Proof received directly from the American Dental Association, that the National Board of Dental Examiners written Examination or National Board of Dental Hygiene Written Examination has been successfully completed within 10 years prior to application; dental applicants who successfully completed the examination more than 10 years prior to application shall submit proof of having successfully completed Part II of the examination within 10 years prior to application.~~

(2) Submit at least 30 days prior to the examination:

(a) Proof of the educational requirement by one of the following methods:

1. Graduates must submit a ~~A~~ copy of the dental school or dental hygiene school diploma;

2. ~~(b)~~ A person who expects to graduate prior to the examination must submit a ~~A~~ final official transcript received directly from the dental school or dental hygiene school which reflects the applicant's matriculation and graduation dates and degree earned; the transcript shall be authenticated by the official school stamp or seal as well as the signature of an authorized school official; applicants who will complete their education within 6 weeks prior to the scheduled examination may submit a statement which certifies that the applicant has completed or will complete all requirements for graduation and the degree earned; the statement shall be included with the application and shall be executed by the school's Dean and embossed with the school's seal; an official transcript must be received before any candidate can be issued a license.

3. Students who are in their final year of a dental program and have completed all the coursework necessary to perform the clinical and diagnostic procedures required to pass the examinations must submit a letter from the Dean of the dental school stating that the applicant is in their final year of the program and has completed all the coursework necessary to perform the clinical and diagnostic procedures required to pass the examinations.

(c) through (h) renumbered (b) through (g) No change.

(3) Proof received directly from the American Dental Association, that the National Board of Dental Examiners Written Examination or National Board of Dental Hygiene Written Examination has been successfully completed within 10 years prior to application; dental applicants who successfully completed the examination more than 10 years prior to application shall submit proof of having successfully completed Part II of the examination within 10 years prior to application. It is the applicant's responsibility to assure that the application for licensure is complete, including assuring that all required documents are submitted timely.

(4) Prior to issuance of a license, the applicant shall submit proof of having successfully completed a Board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome. However, a license may be issued without proof of completion if the applicant submits an affidavit which establishes good cause for having failed to meet this pre-licensure requirement. The Chairman of the Board is delegated the authority to determine whether or not good cause has been established. Upon a determination of good cause, the applicant shall be given 6 months from issuance of licensure to complete this requirement.

(5) It is the applicant's responsibility to assure that the application for licensure is complete, including assuring that all required documents are submitted timely.

Specific Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, 466.0075, 466.028 FS. History--New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Advertising and Soliciting by Dentists  
RULE NO.: 64B5-4.002  
PURPOSE AND EFFECT: The Board proposes the rule amendment to regulate the advertising practices of licensees regarding the use of "sleep dentistry" with general anesthesia.  
SUMMARY: The proposed rule amendment restricts the use of advertising "sleep dentistry" to valid anesthesia permittees.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.  
LAW IMPLEMENTED: 466.019, 466.028(1)(d) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (6) No change.

(7) No licensee may advertise "sleep dentistry" unless the licensee possesses a valid general anesthesia permit.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, 1-29-03, \_\_\_\_\_.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

**NOTE: The following Notice of Intent to Adopt a Rule was inadvertently published in Section I – Notices of Proposed Rule Development, in Vol. 31, No. 19, May 13, 2005, FAW.**

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE TITLE: Institutional Review Board  
 RULE NO.: 64H-2.001

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to adopt federal regulations concerning human research protections. The effect is that the Institutional Review Board will conduct business according to federal regulations pursuant to Section 381.86, F.S. The federal regulations set forth requirements for conducting research involving human subjects.

SPECIFIC AUTHORITY: 381.86 FS.

LAW IMPLEMENTED: 381.86(1) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Marcia Reed, Office of Statewide Research, Department of Health, 4052 Bald Cypress Way, Mail Bin #A24, Tallahassee, FL 32399-1749.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-2.001 Institutional Review Board.

The Institutional Review Board adopts the federal regulations for human research protections as set forth in 45 C.F.R. part 46 and 21 C.F.R. parts 50 and 56.

Specific Authority 381.86 FS. Law Implemented 381.86(1) FS. History—New 6-6-05.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Mortgage Property Insurance Requirements Limited  
 RULE NO.: 69O-167.009

PURPOSE, EFFECT AND SUMMARY: To clarify that a “fire policy” means a “property policy”. Limits on mortgage lenders requirements for excess insurance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.9551(1) FS.

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

TIME AND DATE: 9:30 a.m., June 21, 2005

PLACE: Room 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 program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: richard.koon@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.009 Mortgage Property ~~Fire~~ Insurance Requirements Limited.

No mortgage lender shall, in connection with any application for a mortgage loan in this state which is secured by a mortgage on residential real estate located in this state, require any prospective mortgagor to obtain by purchase or otherwise a property ~~fire~~ insurance policy in excess of the replacement value of the covered premises as a condition for granting such a mortgage.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.9551(1) FS. History—New 1-27-92, Formerly 4-167.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Roddenberry, Director, Property and Casualty Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005