



This Instrument Prepared By:
Robert L. Weintraub
Attorney At Law
3250 S.W. Third Avenue
Miami, Florida 33129
Deltona

BK 1448 PG 0866

AMENDMENT TO DECLARATION OF RESTRICTIONS

THE DELTONA CORPORATION, a Delaware corporation, authorized to do business in Florida, as the "Developer" of Marion Oaks Subdivision, Marion County, Florida, hereby, amends and adopts the following matters and covenants as its amendment to the scheduled recorded Declarations of Restrictions, hereinafter recited, to wit:

See Exhibit "A" attached hereto and made a part hereof by this reference. (the "Restrictive Covenants")

WHEREAS, each and every Restrictive Covenant, referred to in Exhibit A, contemplated and provided that the subdivider may enlarge or amend the restrictions therein stated, to impose further reasonable restrictions upon the use of the lands platted and included in Marion Oaks Subdivision; and

WHEREAS, the Restrictive Covenants specified in Exhibit A heretofore were recorded among the Public Records of Marion County, Florida so as to provide constructive notice to all persons thereafter acquiring an interest in Marion Oaks Subdivision, to the effect that such interest, is subject to amendments thereto which may reasonably be further imposed from time to time; and

WHEREAS, the Developer has sought to maintain a continuing awareness of advancement of technological knowledge, acquired from time to time, and to apply same to the use and enjoyment of owners of lots and parcels in Marion Oaks Subdivision, for purposes of sustaining the fitness and usability thereof for the purposes that same shall be, or shall have been, acquired; and

WHEREAS, the Florida Department of Health and Rehabilitative Services has promulgated an educational program for construction standards in dwellings, schools and commercial buildings for air quality and safety standards and monitoring, relating to naturally occurring radioactive materials sporadically found or detected in the environment, which information and standards were published April 1987 in Chapter 10D-Part XI Environmental

Deltona
87-054021
1987 AUG 21 PM 3:39
RECORDED AND RECORDED
VERIFIED
MARION COUNTY, FL

Radiation Standards (see section 10D-91.110-91.1112), a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference, (hereinafter referred to as "the Standards"); and

WHEREAS, Developer has determined that in the best interests of the continuing development of Marion Oaks Subdivision, construction of any buildings upon the lands comprising the subdivision should be consistent with the most recent knowledge and advancements of science and technology for the benefit of the general health, welfare and safety of its residents, as and when such advancements are adopted and published by governmental agencies from time to time.

NOW THEREFORE, in consideration of the foregoing, each and every one of the Declarations of Restrictions, Deeds of Restriction or other restrictive covenants (the "Restrictive Covenants") enumerated in Exhibit A hereto, are now amended to provide:

1. It shall be a further covenant running with the land, for which the owners of the fee simple title to such lands shall be bound, that residences, schools, commercial buildings or any other structures which may or shall be constructed thereon, shall be constructed in accordance with the Standards for construction set forth and described in Part XI of Title 10 to the Florida Administrative Code, as set forth in Exhibit B hereto, or otherwise in accordance with any higher standards or modifications thereof which may hereafter be published from time to time, by any governmental agency having jurisdiction of and or supervisory capacity over construction relating to air quality standards or naturally occurring radioactive emissions affecting such construction or occupants thereof in Marion Oaks Subdivision, Marion County, Florida.

2. Any owner of land lying within Marion Oaks Subdivision who submits plans for prospective construction to the Building Permit Department of Marion County, which plans do not conform with the Standards, or who obtains a building permit which does not require construction in conformity with the Standards described above, shall be in violation of the Restrictive Covenant, in which event the Developer or its successors and assigns may bring proceedings for injunction to

require such building compliance, or otherwise for suitable enforcement of the provisions hereof in a court of appropriate jurisdiction.

3. All other terms, conditions and provisions of the Restrictive Covenants contained in and enumerated in Exhibit A shall remain unchanged and continuing in full force and effect.

These amendments are made and entered into on this 17th day of August 1987.

THE DELTONA CORPORATION

By: Earle D. Cortright, Jr.
Earle D. Cortright, Jr.
Executive Vice President

Attest:

Michelle R. Garbis
Michelle R. Garbis
Corporate Secretary

STATE OF FLORIDA
COUNTY OF DADE

Before me being duly sworn personally appeared Earle D. Cortright, Jr. and Michelle R. Garbis, respectively Executive Vice President and Corporate Secretary of The Deltona Corporation, who acknowledged that they executed the foregoing Amendment to the Declaration of Restrictions for the purposes therein stated.

Sworn to and acknowledged before me this 17th day of August 1987 at Miami, Dade County, Florida.

Seh J. Chavira
Notary Public
State of Florida at Large

My commission expires:

NOTARY PUBLIC
STATE OF FLORIDA
COMMISSION EXPIRES 07/01/91

BK1448
PG0868

EXHIBIT "A"

Approved for Recording
 Dept. of Real Estate Services
 The Daytona Corporation
 By *LC* Dated 8-11-89

SCHEDULE "A"

Schedule of deed restrictions affecting platted lands lying in and being a part of the Marion Oaks subdivision of Units 1 through 12 according to the plats thereof, as recorded among the Public Records of Marion County, Florida.

UNIT NO.	DATE OF INSTRUMENT	O.R. BOOK	PAGES
1	December 11, 1972	545	147-158
1 amendment	February 9, 1973	549	554-557
1	December 11, 1972	545	170-179
1 amendment	January 11, 1974	608	490-493
1 affidavit	March 5, 1976	735	63-64
1	December 11, 1972	545	159-163
1	December 11, 1972	545	180-184
1	December 11, 1972	545	164-169
1	December 11, 1972	545	195-202
1	December 11, 1972	545	185-194
1 amendment	January 11, 1974	608	502-505
1	January 29, 1973	549	536-541
2	January 19, 1973	547	431-441
2 amendment	September 23, 1980	1036	980-982
2	January 19, 1973	547	471-480
2 amendment	January 11, 1974	608	482-485
2	January 19, 1973	547	481-490
2 amendment	January 11, 1974	608	466-469
2	January 19, 1973	547	442-451
2 amendment	January 11, 1974	608	486-489
2	January 19, 1973	547	497-501
2	January 19, 1973	547	491-496
2	January 19, 1973	547	463-470
2	January 19, 1973	547	452-457
2	January 30, 1973	547	458-462
3	January 18, 1973	547	502-513
3 amendment	February 9, 1973	549	558-561
3	January 18, 1973	547	525-534
3 amendment	January 11, 1974	608	478-481
3	January 19, 1973	547	514-524
3	January 18, 1973	547	535-539
3	August 1, 1985	1298	1080-1086
3	January 18, 1973	547	540-545
4	January 29, 1973	549	496-508
4	January 29, 1973	549	519-529
4 amendment	April 3, 1973	559	386-387
4	January 29, 1973	549	509-518
4 amendment	January 11, 1974	608	474-477
4	January 29, 1973	551	696-700
4	January 29, 1973	549	542-546
4	January 29, 1973	549	547-552
4	January 29, 1973	549	530-535
5	March 29, 1973	557	289-300
5 amendment	April 25, 1977	803	462-464
5 amendment	April 30, 1982	1112	1048-1050
5	March 29, 1973	557	336-344
5 amendment	January 11, 1974	608	510-512
5	March 29, 1978	557	315-324
5 amendment	January 11, 1974	608	470-473
5	March 29, 1973	557	277-288
5	March 29, 1973	557	331-335
5	March 29, 1973	557	301-308
5 amendment	October 28, 1986	1384	1110-1111
5	March 29, 1973	557	309-314
5	March 29, 1973	557	325-330
5	June 11, 1986	1357	872-877

BM 1448
 PG 869

<u>UNIT NO.</u>	<u>DATE OF INSTRUMENT</u>	<u>O.R. BOOK</u>	<u>PAGES</u>
6	March 21, 1973	558	208-220
6	March 21, 1973	558	235-244
6 amendment	January 11, 1974	608	513-516
6	March 21, 1973	558	221-228
6	March 21, 1973	558	229-234
6	March 2, 1973	558	245-249
6	March 21, 1973	558	250-254
7	May 17, 1973	569	356-367
7	May 17, 1973	569	311-320
7 amendment	January 11, 1974	608	517-520
7	May 17, 1973	569	341-350
7 amendment	January 11, 1974	608	506-509
7	May 17, 1973	569	351-355
7	May 17, 1973	569	329-334
7	May 17, 1973	569	368-372
7	May 17, 1973	569	321-328
7	September 16, 1986	1375	1153-1159
7	May 17, 1973	569	335-340
8	June 19, 1973	571	668-678
8 amendment	October 27, 1980	1040	531-533
8	June 19, 1973	571	679-683
8	June 19, 1973	571	684-689
9	July 2, 1973	574	399-409
9 amendment	September 13, 1973	587	738-742
9	July 2, 1973	574	428-438
9 amendment	January 11, 1974	608	498-501
9	July 2, 1973	574	410-421
9	July 2, 1973	574	444-448
9	July 2, 1973	574	449-457
9	July 2, 1973	574	422-427
9	June 24, 1986	1359	1747-1752
9	July 2, 1973	574	439-443
10	July 2, 1973	574	458-469
10	February 25, 1974	617	332-341
10	July 2, 1973	574	470-474
10	July 2, 1973	574	475-480
10	July 2, 1973	574	481-486
11	September 6, 1973	586	190-201
11	September 6, 1973	586	202-212
11 amendment	January 11, 1974	608	494-497
11	September 6, 1973	586	218-222
11	September 6, 1973	586	213-217
11	September 6, 1973	586	184-189
12	March 20, 1974	620	427-438
12	March 20, 1974	620	422-426
12	March 20, 1974	620	416-421

BK 148
PG 870

1101

DEPT. OF HEALTH & REHAB. AVICES

V. 3, p. 1435

adversely interferes with a fair and orderly operation. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

Specific Authority 404 051, 404 061, 404 071 FS Law Implemented 404 022, 404 051(1), (4), 404 061(2), 404 071(1) FS History—New 7-17-85

10D-91.1006 Consultation with Workers During Inspection.

(1) Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(2) During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused a violation of the Act, these regulations, or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of 10D-91.1007(1).

(3) The provisions of (2) above, shall not be interpreted as authorization to disregard instructions pursuant to 10D-91.1003. *Specific Authority 404 051, 404 061, 404 071 FS Law Implemented 404 022, 404 051(1), (4), 404 061(2), 404 071(1) FS History—New 7-17-85*

10D-91.1007 Request by Workers for Inspection.

(1) Any worker or representative of workers believing that a violation of the Act, these regulations or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the Department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the Department no later than at the time of inspection.

(2) If, upon receipt of such notice, the Department determines that the complaint meets the requirements set forth in this section and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

Specific Authority 404 051, 404 061, 404 071 FS Law Implemented 404 022, 404 051(1), (4), 404 061(2), 404 071(1) FS History—New 7-17-85

10D-91.1008 Inspection Not Warranted; Informal Review.

(1) If the Department determines, with respect to a complaint under this part, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Department shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Department. The Department will provide the licensee or registrant with a copy of such statement by certified mail. The licensee or registrant may submit an opposing written statement of position with the Department. The Department will provide the complainant with a copy of such statement by certified mail.

(2) Upon the request of the complainant, the Department may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Department shall affirm, modify, or reverse the previous determination of the Department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(3) If the Department determines that an inspection is not warranted because the requirements of 10D-91.1007(1) have not been met, the complainant shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of 10D-91.1007(1). *Specific Authority 404 051, 404 061, 404 071 FS Law Implemented 404 022, 404 051(1), (4), 404 061(2), 404 071(1) FS History—New 7-17-85*

PART XI ENVIRONMENTAL RADIATION STANDARDS

10D-91.1101 Purpose and Scope. This part establishes radiation standards for dwellings, schools and commercial buildings for the protection of the public from excessive radiation exposure from naturally occurring radioactive materials. Additionally, this part provides for procedures and responsibilities for compliance with the standards. This part also provides for fees to support an environmental surveillance program which will be conducted by the Department to monitor the radiological impact of mining activities.

Specific Authority 404 022, 404 042, 404 051, 404 054, 404 055(4)(7), 404 056, 404 131(5) FS History—New 2-16-86

V. 3, p. 1437

CONTINUED ON B.

ANNOTATIONS

Validity

*Challenge to the validity of Department of Health and Rehabilitative Services rules regarding levels of public exposure to naturally occurring radiation derived while one of the two plaintiff environmental organizations was found "substantially affected" by the rules and thus with legal standing to challenge their validity, the rules themselves were found to be part of a valid regulatory scheme. 1.) The agency adopting the rule was within its permissible statutory authority. While other interpretations of the statute were possible, the agency's construction when it promulgated the rules needed only to be within the range of possible interpretations. 2.) The requirements of the rules were appropriate to the ends specified in the legislative authority. F.S. § 404.051(4) and 404.056, to protect public health by the application of "any environmental standards for land" which emit radiation. 3.) The rules requirements were reasonably related to the purpose of the enabling legislation. The rules reflected a compromise between health concerns, the economic environment and the economic environment of persons regulated. While stricter regulation was possible, failure to do so was not arbitrary or capricious. *Marathon-82, Inc. and Concerned Citizens of Citrus County, Inc. v. Department of Health and Rehabilitative Services, (DOAH 85-2813X), 8 F.2d 60 (1985).**

10D-91.1102 Communications. All written communications concerning this part should be addressed to: Department of Health and Rehabilitative Services, Office of Radiation Control, P.O. Box 15490, Orlando, Florida 32816, or telephone (305) 299-0580. *Specific Authority 404 042, 404 051 FS Law Implemented 404 042, 404 051(4) FS History—New 2-16-86*

PART XI A RADIATION STANDARDS FOR BUILDINGS

10D-91.1103 Definitions. The following definitions shall be applicable to this part:

(1) "Commercial building" means any enclosed building excluding schools and dwellings, which is occupied by people for an average of at least 4 hours per day.

(2) "Dwelling" means any building to be used as a single or multiple family residence.

(3) "Improved monolithic slab" means a monolithically poured slab that includes the foundation or the foundation and footers. The slab shall have a minimum thickness of 4 inches (10.16 centimeters). The slab is constructed in accordance with the American Concrete Institute's Publication No. 318, which is herein incorporated by reference, to provide the tensile strength necessary to resist fractures. The concrete used has a 28-day minimum compressive strength of 3,000 pounds per square inch (15,514.5 cm Hg). The soil bearing pressure is uniform throughout and strong enough to sustain the load placed on it by the structure. Where fill is used, it shall be compacted according to instructions in local building standards. All walls are constructed entirely over the finished slab. When adjoining units are constructed, the slab is designed and monolithically poured for all units if common purpose.

ALTON HARRIS

2000-200000

slab, such as plumbing, shall be completely sealed with a rubberized asphalt sealant the length of the penetration to create a wall gas barrier. Underneath each monolithic slab shall be placed a soil gas barrier of at least 10-mil polyethylene or equivalent. During construction, special care shall be taken to ensure that the barrier is not torn or punctured. All tears and punctures in the soil gas barrier shall be sealed. All joints of polyethylene sheets shall be done by overlapping the edges by at least 4 inches (10.16 cm) and applying a non-curing solvent-based sealant or equivalent sealant.

(4) "Naturally-occurring radioactive materials" means uranium, thorium and their decay products which are found naturally in the environment.

(5) "Newly constructed" means construction or relocation for which a permit is required after the effective date of this part.

(6) "Passive remedial action" means the construction techniques of a building that are put in place to prevent excessive radon intrusion which do not require the use of electrically powered devices.

(7) "Post-tensioned slab" means a monolithically poured slab that includes the foundation or the foundation and footers and that includes the supporting interior and perimeter beams, containing post-tensioned tendons to increase the resistance to cracking beyond that provided by the inherent tensile strength of the concrete. The slab shall have a minimum thickness of 4 inches (10.16 centimeters). The slab is designed and constructed in accordance with the Post-Tensioning Institute's publication "Design and Construction of Post-Tensioned Slabs-on-Ground," which is herein incorporated by reference. The concrete used has a 28-day minimum compressive strength of 3,000 pounds per square inch (15,514.5 cm Hg). The soil bearing pressure is uniform throughout and strong enough to sustain the load placed on it by the structure. Where fill is used, it shall be compacted according to instructions in local building standards. All walls are constructed entirely over the finished slab. When adjoining units are constructed, the slab is designed and monolithically poured for all units if common purpose.

(8) "School" means any building which is occupied by a group of pupils for instructional purposes.

(9) "Ventilated crawl space" means space

RECORDER'S MEMO: Legibility of writing, typing or printing unsatisfactory in this document when received.

beneath the floor of a dwelling, of at least 18 inches between grade level and floor, with a vent on at least three sides of the structure. These shall have a minimum vent area of at least one square foot of opening for each 150 square feet of floor area for wooden flooring, or at least 1 1/2 square feet of opening for each 15 feet of linear perimeter wall for non-wooden flooring. Openings shall be placed so that there is opening within 3 feet of the end of each applicable side of the perimeter. The structure supports shall be constructed of non-porous material and shall be constructed in such a manner that soil gas cannot penetrate the structure supports.

(10) "Working level or WL" means the special unit of air concentration of any or all of the decay products of radon 222 that in 1 liter of air can result in the ultimate emission of 1.3 X 10¹⁰ MeV of alpha particle energy.

Specific Authority: 404.031, 404.051 FS. Law Implemented: 404.022(2), 404.031, 404.051(4), 404.055 FS. History—New 2-16-86.

10D-91.1104 Standards.

(1) Radiation exposure to the public from naturally occurring radioactive materials shall be maintained as low as reasonably achievable. For the purposes of this part, the normal background level of gamma radiation in dwellings, schools and commercial buildings is 6 microrem/yr (1.55 nC/kg) per hour and the normal background radon decay product concentration in dwellings, schools and commercial buildings is 0.004 WL.

(2) The mean gamma exposure rate in a dwelling, school or commercial building shall not exceed 20 microrem/yr (5.16 nC/kg) per hour, including background, and the annual average radon decay product concentration shall not exceed 0.02 WL, including background.

Specific Authority: 404.051, 404.056 FS. Law Implemented: 404.022(2), 404.051(4), 404.055 FS. History—New 2-16-86.

10D-91.1105 Testing Procedures.

The Department shall establish testing procedures to measure the mean gamma exposure rate and to estimate the annual average radon decay product concentration in structures, which are herein incorporated by reference.

Specific Authority: 404.051, 404.056 FS. Law Implemented: 404.022(2), 404.051(7), 404.056 FS. History—New 2-16-86.

10D-91.1106 Implementation of the Standards.

(1) Affected Lands. (a) Certain types of land in the State of Florida have been identified as exhibiting elevated levels of naturally occurring radioactive materials and, consequently, may pose an increased health risk to persons occupying dwellings, schools or commercial buildings located thereon. Lands identified as likely to pose such a health risk are listed below:

1. Land which has been mined, reclaimed, reshaped, restored, or otherwise altered as a result of the extraction of phosphate ore.
2. Lands, identified by the Department of

Natural Resources or the Department of Health and Rehabilitative Services, which are known to contain uranium, thorium or other naturally occurring radionuclides or their decay products to the extent that radiation measurements demonstrate that dwellings, schools, or commercial buildings built thereon could exhibit radiation levels in excess of the standards prescribed in 10D-91.1104(2) above.

(b) Construction Techniques.

(b) The Department of Natural Resources shall submit to the Department of Health and Rehabilitative Services a description of lands which are identified in (1)(a), above, on which buildings have been or may be constructed; and the Department shall disseminate such information to the affected building inspection offices.

(c) Certain types of construction techniques for dwellings or for modifications or additions to dwellings have been identified as effectively dispersing or retain radon soil gas and, therefore, are exempt from the tests prescribed in this part. Such construction techniques are listed below.

1. Ventilated crawl space.
2. Reserved.
3. Reserved.
4. Reserved.

(b) Schools and commercial buildings for which a building permit is issued after the effective date of these rules, must be built as resistant to radon as practicable. It is required that these schools and commercial buildings be tested by the Department during the first year after completion by using a nuclear track device, a thermoluminescent device or other similar device. Whenever results exceed the standard specified in 10D-91.1104(2) above, the owner or occupant must take remedial action to bring the school or commercial building into compliance with the standards specified in 10D-91.1104(2) within 6 months after notification of test results.

Certain types of construction techniques for dwellings or for modifications or additions to dwellings have been identified to retain radon soil gas for as long as the integrity of the slab is maintained. Therefore, it is required that dwellings located on lands identified in (1)(a) above, and built using construction techniques identified in 1. and 2. below, be tested by the Department during the first year of occupancy by using a nuclear track device, a thermoluminescent device or other similar device. Results will be provided to the appropriate county public health unit. Whenever results exceed the standard as described in 10D-91.1104(2) above, the county public health unit shall notify the owner and occupant of the significance of the findings and provide advice on remedial measures possible to reduce radon gas levels. Also, it is recommended that structures built using techniques described in 1. and 2. below, be retested every 5 years with results reported to the county public health unit. Whenever test results indicate the standard has been exceeded, the owner and occupant shall be advised of the findings and of available remedial actions. Such construction techniques are listed below.

V. 3, p. 1439

CONTROL OF RA

1. Improved monolithic slab.
2. Post-tensioned slab.
3. Reserved.
4. Reserved.

(c) As research continues and as further information becomes available, the Department may amend (1)(a), (2)(a) and (2)(b), above.

(d) Newly constructed dwellings or newly constructed modifications or additions to dwellings not using a construction technique listed in (2)(a) or (2)(b), above, and located on lands listed in (1)(a), above, shall be tested by the Department prior to initial occupancy. Prior to the issuance of a certificate of occupancy, the appropriate building inspection office shall notify the Department that the dwelling or modification or addition is ready for testing. Such dwellings shall be made available for testing by the Department for 30 days after construction is completed and prior to occupancy. The owner shall assure that electrical power is available during this 30-day testing period for use in testing.

Specific Authority: 404.051, 404.056 FS. Law Implemented: 404.022(2), 404.051(4), 404.056 FS. History—New 2-16-86.

10D-91.1107 Inspection and Notification of Test Results.

(1) Following an evaluation of the test data for dwellings specified in 10D-91.1104(2)(d), the Department shall send the appropriate building inspection office a letter recommending approval or denial of occupancy no later than 5 working days after evaluating the test data.

(2) If test results indicate the standard in 10D-91.1104(2) is exceeded, the owner shall cause passive remedial action to be taken to bring the dwelling into compliance with the standard. The dwelling shall be made available for retesting by the Department for 30 days after the passive remedial actions have been taken. The owner shall assure that electrical power is available during this 30-day testing period for use in testing.

(3) The Department shall require each building inspection office which has jurisdiction over the construction or relocation of dwellings on any lands identified pursuant to 10D-91.1104(1), to give written notice to the prospective builder or owner of the dwelling of the requirements of this part that occupancy of the dwelling is not permitted until confirmation is received from the Department that the dwelling has met the standards contained in 10D-91.1104(2), or until inspection has verified that the dwelling is constructed in accordance with 10D-91.1106(2)(a) or (2)(b).

(4) Authorized representatives of the Department shall have the authority to enter upon public or private property at all reasonable times to perform required tests or to assure compliance with this part.

Specific Authority: 404.051, 404.056, 404.071 FS. Law Implemented: 404.022(2), 404.051(4), 404.056, 404.071(1) FS. History—New 2-16-86.

TON BUILDINGS

10D-91.1111

10D-91.1108 Educational Program. County public health units, which are in counties which have lands within their borders identified in 10D-91.1106(1) shall conduct, within their counties, specifically designed educational programs to advise owners and occupants of buildings built prior to the effective date of these rules, that the buildings should be initially measured and remeasured for indoor radon decay products every 5 years to verify that the maximum limits specified in 10D-91.1104(2) are not exceeded. Such educational programs shall include recommendations for suggested methods for remedial actions. In addition, for any buildings built after the effective date of these rules, the county program specifically designed to inform owners and occupants of these buildings that the buildings should be remeasured every 5 years for indoor radon decay products to verify that the maximum limits specified in 10D-91.1104(2) are not exceeded. The educational program shall include recommendations for suggested methods for remedial actions. In addition, for any building which was built prior to the effective date in these rules but for which a building permit is issued after the effective date of these rules, the owner or occupant shall be advised of the suggested construction types specified in 10D-91.1106(2) and shall be informed of the advisability of measuring for indoor radon decay products and the types of remedial actions which can be taken if the measurements exceed the maximum limit specified in 10D-91.1104(2).

Specific Authority: 404.051, 404.056, 404.071 FS. Law Implemented: 404.022(2), 404.051(4), 404.056, 404.071(1) FS. History—New 2-16-86.

10D-91.1109 Effective Date. The effective date of this rule is 30 days after filing with the Secretary of State.

Specific Authority: 404.022, 404.051, 404.056, 404.111 FS. Law Implemented: 404.022(2), 404.051(4), 404.056, 404.111(5) FS. History—New 2-16-86.

PART XI ENVIRONMENTAL MONITORING

10D-91.1110 Purpose and Scope. Certain types of mineralized land in the State of Florida have been identified as containing elevated levels of naturally occurring radioactive materials and, consequently, may pose increased health risks, or cause an adverse environmental impact. Lands identified as likely pose such health risks or adverse environmental impacts are listed below:

- (1) Phosphate ore mining sites, including reclaimed land.

Specific Authority: 404.022, 404.051, 404.056, 404.111 FS. Law Implemented: 404.022(2), 404.051(4), 404.056, 404.111(5) FS. History—New 11-12-85.

RECORDER'S MEMO: Legibility of writing, typing or printing unsatisfactory in this document when received.