

licensed optician can oversee a trained person and allow him or her to fit or dispense any lenses, spectacles, eyeglasses or other optical devices.

The Board declines to issue a declaratory statement because Section 484.011, Florida Statutes, is clear regarding these questions.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Gale A. Eriksson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008.

The Board's Order, filed on November 25, 2008, denies the Petition for Variance or Waiver of subsection 64B12-9.017(1), Florida Administrative Code. The Board finds that the Petitioner has not established that the purpose of the underlying statute, Section 484.007(1)(d)3., Florida Statutes, would be met were she granted a variance or waiver from subsection 64B12-9.017(1), Florida Administrative Code. Further, the Petitioner failed to establish that the Board's application of subsection 64B12-9.017(1), Florida Administrative Code, to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on January 8, 2009, the Board of Pharmacy has received the petition for declaratory statement from Timothy Weathers on behalf of Unique Pharmaceuticals. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.700, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, concerning the practice of compounding.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has received the petition for declaratory statement from Amanda J. Green, Assistant City Attorney for City of Orlando and John Miller, Deputy Chief for

Orlando Fire Department on January 9, 2009. The petition seeks the agency's opinion as to the applicability of Section 401.281(1)(d), Florida Statutes, as it applies to the petitioner.

Petitioner is asking whether a driver who accepts a plea of non-alcohol related reckless driving with adjudication of guilt withheld may still operate an emergency vehicle for the next three years.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

Please refer all comments to: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Mr. Clyde Lightbourn on August 13, 2008. The following is a summary of the agency's disposition of the petition:

The petition seeks the agency's opinion as to the applicability of paragraph 69B-220.201(5)(b), F.A.C., as it applies to the Petitioner. The Declaratory Statement concludes the above-referenced rule provision does apply to the facts presented in the Petition, as the rule was promulgated prior to the execution of the fee agreement. Thus, the rule provision would not be deemed to have an impermissible retroactive application to this specific fact situation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mechele R. McBride, Assistant General Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0333.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

NOTICE TO DESIGN BUILD TEAMS:

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of the USF Student Wellness and Nutrition Center building, will be required for the project listed below.

PROJECT NUMBER: 577

PROJECT AND LOCATION: USF Student Wellness and Nutrition Center, University of South Florida, Tampa Campus, Tampa, Florida.

PROJECT DESCRIPTION:

The project consists of the design, construction, and furnishing of the USF Student Wellness and Nutrition Center on the University of South Florida Tampa Campus. The project includes 51,050 gsf of programmed finished space. The Construction Budget is \$11,840,000.

The Student Wellness and Nutrition Center will establish a community focal point offering a variety of services, programs, facilities and events that complement the educational mission of the University.

The Student Wellness and Nutrition Center ("Project") is an addition/renovation to the USF Campus Recreation Center and USF Sun Dome Arena. The Project serves as a multi-purpose facility for the general student population including the development of programs to encourage and reinforce behaviors

that promote a higher quality of health and well-being. The Project will be designed to include additional space dedicated to exercise and fitness. Furthermore, the Project will include a dining/food court, multi-purpose meeting/classroom space, shared student-athlete training table and a commercial grade kitchen with catering amenities to accommodate the USF community's dining needs currently present in the east area of campus and also the Arena's concessions and catering needs.

The Design/Build Team (Design and Construction Services Team/DCST) shall be responsible for the management of the process and project to meet project scope, budget and schedule requirements. The Design/Build Services contract shall be in compliance with the Qualifications Based Design/Build selection provisions in Section 287.055, F.S. and B.O.G. Regulation 14.0055, including pre-construction fees, construction related service costs and a guaranteed maximum price. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not limited to professional services, budgeting, cost estimating, construction services, labor, materials, and equipment required to design, construct, and furnish the project and shall provide schematic studies for possible future phases. The selected team will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions. Blanket professional design liability insurance will be required for this project in the amount of \$1,500,000 and will be provided as a part of Basic Services. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class IX. Project development including professional services is contingent upon availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

INSTRUCTIONS:

Teams desiring to apply for consideration shall submit a Request for Qualifications submittal including a letter of interest, a completed "Design and Construction Services Qualification Supplement form (DCSQS), dated January 2009" with attachments, and additional information required within the proposal limits as described in the Request for Qualifications dated January 2009. Applications submitted in any other format may not be considered. The Request for Qualifications dated January 2009 and the Design and