

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Agriculture and Consumer Services has received the petition for declaratory statement from Exxon Mobil Corporation dated October 9, 2009. The petition seeks the agency's opinion as to the applicability of provisions of Chapter 501, F.S., specifically Section 501.160 ("Price Gouging Law"), Section 501.164, The Florida Deceptive and Unfair Trade Practices Act ("Deceptive and Unfair Trade Practices Act"), Sections 501.201 through 501.213, F.S., to the circumstances confronting Exxon Mobil Corporation during a declared state of emergency as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: William N. Graham, Senior Attorney, Office of General Counsel, Mayo Building, Room 526, Tallahassee, Florida 32399-0800.

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by Southern Manatee Fire Rescue District, Case No. DS-2009-001 on August 20, 2009. The following is a summary of the agency's disposition of the petition: The Commission determined that the Southern Manatee Fire Rescue District cannot lawfully demote the lieutenant or require him to resign his union office solely because of his dual role as a supervisor and a district vice president of Suncoast Professional Firefighters and Paramedics, International Association of Fire Fighters, Local 2546.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Mike Senek, Unit Owner, In Re: Riverside Club, Inc., on October 12, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have jurisdiction to interpret vague or ambiguous provisions in the governing documents; or where there are parties who will be affected by the decision who are not parties to the proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on October 13, 2009, the Board of Chiropractic Medicine has received the petition for declaratory statement from Edward James Leonard. The petition seeks the agency's opinion as to the applicability of Section 460.403, Florida Statutes, as it applies to the petitioner. Petitioner is seeking the Board's interpretation of Section 460.403, Florida Statutes, concerning whether petitioner is permitted to provide radio frequency ablation, i.e., rhizotomy, services to his patients.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Debra E. Pless on

behalf of Florida Hospital Laboratory. The petition seeks the agency's opinion as to the applicability of subsection 64B3-5.002(1), F.A.C. as it applies to the petitioner.

The petition seeks the Board's interpretation of subsection 64B3-5.002(1), F.A.C., asking that in order to meet the educational requirements for supervisor, can the applicant's bachelors degree be of any major, i.e., Health Services Administration with the completion of additional science courses to meet the 24 hours of academic science required or does the bachelors degree have to be in an academic science that includes the 24 hours of academic science with 8 hours of biology and chemistry.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Gerald Letendre, on behalf of Sarasota Specialty Pharmacy and Wellness Center on May 27, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on June 26, 2009, Vol. 35, No. 25, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 465.185(1), Florida Statutes, entitled "Rebates Prohibited; penalties" and whether a specific contract between pharmacies and a physician's office would violate Section 465.185 F.S. The Board of Pharmacy considered the Petition at its meeting held on August 12, 2009, in Orlando, Florida. The Board's Order filed on September 11, 2009, found that the Petitioner lacked standing to file the petition and the Petition for Declaratory Statement was dismissed.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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The Board of Pharmacy hereby gives notice that on October 7, 2009, it received a Petition for Declaratory Statement filed by Nova Southeastern University. The petition seeks the Board's interpretation of subsections 64B8-9.012(4) and (6), Florida Administrative Code, concerning initial prescriptions, prescription refills, quantity restriction, and prescription transfers.

Copies of the petition may be obtained from: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Unique Pharmaceuticals on January 8, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on January 23, 2009, Vol. 35, No. 3, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, entitled "Definition of Compounding," concerning the practice of compounding. The Board of Pharmacy considered the Petition at its meeting held on February 11, 2009, Orlando, Florida. The Board's Order filed on March 5, 2009, found that because the petition failed to specify or describe Petitioner's specific or particular circumstances, the Board was unable to provide a response to the Declaratory Statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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#### FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a petition for declaratory statement on October 6, 2009, from Libby Lane, Executive Director of Tallahassee Lenders' Consortium. The petition seeks the Office's opinion as to the application of Sections 494.001(3) and 494.004(6), Florida Statutes, to the activities of Tallahassee Lenders' Consortium, a licensed mortgage brokerage business. The petition seeks a declaratory statement from the Office on (1) whether Petitioner's business activities require continued licensure as a mortgage brokerage business and (2) if so, whether changes in Petitioner's board membership require reapplication for licensure.

A copy of the petition for declaratory statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, Florida 32399-0379.

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### 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**

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