

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 Thomas M. Jenks, Esq., on behalf of Avenue Four South Condominium Association, Inc. on September 8, 2010. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because a declaratory statement is not the proper forum for resolving conflicts in equity and defers this question to the court's authority.

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 the Department of Health has received the petition for declaratory statement from the Florida Medical Association, Inc. The petition seeks the agency's opinion as to the applicability of Sections 458.3265 and 459.0137, Florida Statutes, on whether the wording of certain advertisements used by their members will require these members to apply for registration as pain-management clinics as it applies to the petitioner.

The petition asserts that petitioner has standing to request an interpretation of Florida Senate Bill 2272 as it relates to advertisements and the registration of pain-management clinics and asks for review of 11 separate advertisements.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, (850)245-4130.

NOTICE IS HEREBY GIVEN THAT the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Scott Steven Katzman, M.D., on October 28, 2010. The Petitioner requests that the Board find that percutaneous discetomy procedures are included within the definition of the

scope of Level I office surgery procedures as set forth in administrative subsection 64B8-9.009(3), F.A.C., and therefore are not required to be performed in a registered office surgery facility as set forth in Rule 64B8-9.0091, F.A.C. The Board will consider this petition at its meeting currently scheduled for February 4-5, 2011.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

**NONE**

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

**NONE**

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

**NONE**

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