

DATE AND TIME: December 7, 2010, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include approval of minutes; legislative update; election of Vice Chair & officers; 2011 Board appointment process; 2011 meeting schedule; 401K amendment; operations report; financial report; application notary requirements; and committee reports on: Audit Committee Charter procedures checklist; agency authorization process; application submission process; compliance review of the current investment portfolio; a review of policy and guidelines for the investment of assets and associated matters; investment manager selection; 2011 reinsurance program; reinsurance commutation matters; executive compensation & benefits; Executive Director's employment agreement; server equipment co-location/cloud hosting services RFP selection; phone system RFP selection; telecommunications services RFP selection; 2011 business plan & forecast; disaster recovery matters; budget expense considerations; report on operations; application form revisions; Operations Manual reformat; 2011 rate filing; and Milliman's engagement.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT the Board of Professional Surveyors and Mappers, Division of Consumer Services, Department of Agriculture and Consumer Services, State of Florida, has received the petition for declaratory statement from Florida Land Surveyors Council, on November 9, 2010. The Agency Clerk number is #A70610. The petition seeks the agency's opinion as to the applicability of subparagraph 5J-17.010(6)(e)1., F.A.C. as it applies to the petitioner.

The Petitioner is a professional trade association seeking advice for its members regarding whether professional surveyors and mappers may be employed on a contingency basis or if such employment is prohibited under subparagraph 5J-17.010(6)(e)1., F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Mail Stop M12, Tallahassee, FL 32399-0800.

Please refer all comments to: Bennett M. Miller, Board Counsel, Board of Professional Surveyors and Mappers, Division of Consumer Services, Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Tallahassee, FL 32301, (850)410-3834.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Division of Housing and Community Development has received the petition for declaratory statement from Geoff McLeod, President, MESA Modular Systems, Inc. on October 29, 2010. It has been assigned the number DCA10-DEC-216. The petition seeks the agency's opinion as to the applicability of § M 1305.1.4.1, Florida Building Code, Residential Volume, and § 304.9 Florida Building Code, Mechanical Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks if a declaratory statement can be issued classifying his product, a modular system of unspecified purpose for use with air conditioner condensing units, as an "other approved material."

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Division of Housing and Community Development has received the petition for declaratory statement from Dwight S. Wilkes, on behalf of American Architectural Manufacturers Association (AAMA) on November 1, 2010. It has been assigned the number DCA10-DEC-217. The petition seeks the agency's opinion as to the applicability of § 1714.5.4.1, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks if the Code allows an AAMA certified fenestration manufacturer, through engineering practice, to submit additional information that will allow the substitution of anchors and installation into different substrates for a product submitted using the Certification Method and using AAMA 506-06.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Division of Housing and Community Development has received the petition for declaratory statement from David G. Karins, P.E., on behalf of Custom Hurricane Products, on November 2, 2010. It has been assigned the number DCA10-DEC-219. The petition seeks the

agency's opinion as to the applicability of § 1613.1, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1 for deflection and separation for storm shutters made of flexible materials when used in the HVHZ.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Division of Housing and Community Development has received the petition for declaratory statement from Bemie Eustace, Director, Interplan LLC, on October 27, 2010. It has been assigned the number DCA10-DEC-224. The petition seeks the agency's opinion as to the applicability of § 11-2.2, Florida Building Code, Building Volume (Florida Accessibility) as it applies to the petitioner. as it applies to the petitioner.

Petitioner asks if compliance with the recently adopted federal 2010 Standards for Accessibility Design can be considered as equivalent facilitation with regard to clear floor space and door swing requirements for toilet and bathing rooms.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from John H. Kampmann, Jr., PE, MEA Engineers, Inc., on behalf of Hurricane Fabric (#FL12573), on November 4, 2010. It has been assigned the number DCA10-DEC-220. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ. Petitioner also asks that his company's products be reconsidered for approval under Chapter 9N-3, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from John H. Kampmann, Jr., PE, MEA Engineers, Inc., on behalf of Hurricane Fabric (#FL11340), on November 4, 2010.

It has been assigned the number DCA10-DEC-221. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ. Petitioner also asks that his company's products be reconsidered for approval under Chapter 9N-3, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from John H. Kampmann, Jr., PE, MEA Engineers, Inc., on behalf of American Shutter Systems Association (ASSA) (#FL13271), on November 4, 2010. It has been assigned the number DCA10-DEC-222. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ. as it applies to the petitioner.

Petitioner also asks that his company's products be reconsidered for approval under Chapter 9N-3, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from John H. Kampmann, Jr., PE, MEA Engineers, Inc., on behalf of Ultratek Worldwide (#FL13910), on November 4, 2010. It has been assigned the number DCA10-DEC-224. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ. Petitioner also asks that his company's products be reconsidered for approval under Chapter 9N-3, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from John H. Kampmann, Jr., PE, MEA Engineers, Inc., on behalf of Ultratek Worldwide (#FL12888) on November 4, 2010. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1.9, Florida Building Code, for deflection and separation for storm shutters made of flexible fabric when used in the HVHZ. Petitioner also asks that his company's products be reconsidered for approval under Chapter 9N-3, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN THAT the Department of Highway Safety and Motor Vehicles has issued an order disposing of the petition for declaratory statement filed by Joseph R. Gillespie on August 17, 2010. The following is a summary of the agency's disposition of the petition:

ANALYSIS Petitioner argues that by paying his \$200 civil penalty to the Clerk of Court for Henry County, Georgia, he has satisfied the terms of the traffic citation he received on June 6, 2010. Petitioner also argues that because his citation did not mention the "Super Speeder" fee, he should not be required by the State of Georgia to pay this fee. Notwithstanding the fact that Petitioner has been put on notice by the Georgia Department of Driver Services that his driving privilege will be suspended if he does not pay the \$200 "Super Speeder" fee, Petitioner appears particularly concerned about the effect a Georgia suspension will have on his Florida driver's license. It should be further noted that Petitioner has not sought review of the Georgia suspension order. Specifically, Petitioner wants answers to the following questions: (1) if Georgia suspends him for failure to pay the "Super Speeder" fee, will Florida also suspend or revoke his driver's license and (2) if, upon expiration of his driver's license, will Florida refuse to renew his license for failure to pay the "Super Speeder" fee? Petitioner contends that under Section 322.50, Florida Statutes (Nonresident Violator Compact), Florida lacks the authority to suspend or refuse to renew his driver's license for failure to pay Georgia's "Super Speeder" fee. Petitioner has not shown that the Nonresident Violator Compact prevents Florida from suspending his driver's license. Therefore, his argument is rejected.

DECLARATION Based on the foregoing, Petitioner's issues are answered as follows: 1. If the Georgia Department of Driver Services suspends me for failure to pay the "Super Speeder" fee, will Florida suspend or revoke my driver's license? Answer: Yes. The purpose behind the Florida Driver License Compact (Section 322.44, Florida Statutes) is to make the reciprocal recognition of licenses to drive and eligibility therefore more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states. If you fail to pay the "Super Speeder" fee, you will violate Georgia law and have your driving privilege suspended by the Department of Driver Services. If Georgia sends the suspension to Florida, the Department will reciprocate under the Driver License Compact and suspend your Florida driver's license. 2. If the Georgia Department of Driver Services suspends me for failure to pay the "Super Speeder" fee, will Florida, upon expiration of my driver's license, refuse to renew my license? Answer: Yes. If Georgia does not send the suspension to Florida as described above, the Department, at the time of renewal of your Florida driver's license, will see the Georgia suspension via the national driver reporting database and will not allow you to renew until you resolve the suspension in Georgia.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: M. Lilja Dandelake, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399, (850)617-3101.

Please refer all comments to: M. Lilja Dandelake, Assistant General Counsel at (850)617-3101.

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 received the petition for declaratory statement from Erin E. Smith, a staff attorney with the National Right to Work Legal Defense Foundation in Virginia, Case No.: DS-2010-003. The petition seeks the agency's opinion as to the applicability of Florida Bar Rule 4-5.5(c) as it applies to the petitioner.

The Petitioner seeks to provide pro bono legal representation to Charging Party Ricky Leach in *Leach v. Teamsters, Chauffeurs and Helpers, Local Union No. 79*, Case No.: CB-2010-049, which is scheduled for hearing on December 8, 2010. The hearing officer found that Smith is currently handling two other cases before the Commission and her work in the Leach case would not be properly characterized as temporary. The hearing officer concluded that Smith is precluded from representing Leach pursuant to Florida Bar Rule 4-5.5 because her practice is not temporary. Smith seeks a declaratory statement stating that her practice of law in Florida is properly characterized as temporary and that she be permitted to seek pro hac vice admission to represent Leach in accordance with Florida Bar Rule 4-5.5(c).

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 135, Tallahassee, Florida 32399-0950.

Please refer all comments to: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 135, 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 received the petition for declaratory statement from Wayne H. Allen, Jr., In Re: Legacy Dunes Condominium Association, Inc., Docket No.: 2010049457 on October 1, 2010. The petition seeks the agency's opinion as to the applicability of Section 718.115, Florida Statutes as it applies to the petitioner. Whether Legacy Dunes Condominium Association, Inc. is properly assessing unit owners for water and sewer services under Section 718.115, Florida Statutes.

A copy 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.

NOTICE IS HEREBY GIVEN THAT on November 8, 2010, the Electrical Contractors' Licensing Board has received the petition for declaratory statement from Kaleb Brashear, on

behalf of Elite CEU, Inc. The petition seeks the agency's opinion as to the applicability of Rules 61G6-7.002 and 61G6-12.002, F.A.C., as it applies to the petitioner.

The petition seeks the Board's interpretation of Rules 61G6-7.002 and 61G6-12.002, F.A.C., as to whether the petitioner may provide an online option for the initial as well as subsequent Burglar Alarm System Agent Training Course and Fire Alarm System Agent Training Course as it concerns the application of Rules 61G6-12.001 and 61G6-12.002, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission has received the petition for declaratory statement from Roslyn J. Chancey. The petition seeks the agency's opinion as to the applicability of Sections 475.01, 120.545 and 120.74 Florida Statutes, and Rule 61J2-10.030, F.A.C., as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

Please refer all comments to: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

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

The Board of Nursing hereby gives notice that on October 29, 2010, it received a Petition for Declaratory Statement filed by Lisa Marie Burton, MSN, ARNP, PMHCNS-BC, seeking the Board's interpretation of 2010 Florida Statutes, Section 464.012(4)(c), (5), F.S., that as a CNS, she may diagnose human responses to actual or potential behavioral health problems, implement therapeutic interventions without entering into a supervisory relationship or a protocol with a physician and not be subject to discipline under her ARNP certification for acts performed within the scope of practice of her CNS certification. The Board will address this petition at its next meeting.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02,

Tallahassee, Florida 32399-3252. Comments on this petition should be filed with the Board of Nursing within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 23, 2010, the Board of Pharmacy has received the petition for declaratory statement from Kirk Peterson, RPh., on behalf of Wellfount Corporation. The petition seeks the agency’s opinion as to the applicability of Rule 64B16-28.606, F.A.C., as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding the applicability of Rule 64B16-28.606, F.A.C., and whether Wellfount Corporation can use a remote medication system in the nursing home setting and whether that system needs to be operated by a pharmacist licensed in Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Kelli Ferrell, RPh., Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

NOTICE IS HEREBY GIVEN THAT on November 8, 2010, the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Michael J. Simpko, Esquire, on behalf of Walgreen Company on September 14, 2010. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement published on September 24, 2010, in Vol. 36, No. 38, of the Florida Administrative Weekly. Petitioner sought the Board’s interpretation of Section 499.003(54)(a)4., (d), F.S., entitled, “Definition of Terms Used in this Part,” and whether certain practices would fall under the definition of “wholesale distribution” found in Section 499.003(54), F.S. The Board of Pharmacy considered the Petition at its meeting held on October 13, 2010, in Tallahassee, Florida. The Board’s Order found that the Board does not have jurisdiction to determine whether certain acts would constitute the wholesale distribution of drugs. This determination must be made by the Department of Health. The Board found that the Petition should be denied for failing to state sufficient facts for the Board to issue a declaratory statement.

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

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 AGRICULTURE AND CONSUMER SERVICES

Statement of Qualifications – Apalachicola Shellfish Center
 As an Architectural Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF AQUACULTURE, hereinafter referred to as the Department.