

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 24, 2011, 9:00 a.m.

CALL IN NUMBER: 1(888)808-6959; CONFERENCE CODE: 4888347

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and recommend funding for grant applications received by the April 10, 2011 deadline.

A copy of the agenda may be obtained by contacting: Larry Pendleton, President/CEO, Email: skirchberg@flsports.com.

Section VII**Notices of Petitions and Dispositions Regarding Declaratory Statements****DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has issued an order disposing of the petition for declaratory statement filed by Wawa, Inc., DS 2011-011 on February 2, 2011. The following is a summary of the agency's disposition of the petition:

Based upon the facts set out in the submitted Petition for Declaratory Statement, Petitioner's proposed business model conforms to the specific guidelines listed in Rule 61A-2.012, F.A.C., and in that respect, is valid under Florida law. However, pursuant to subsection (8) of Rule 61A-2.012, F.A.C., the Division still retains the right to require fingerprints of persons who may have a direct or indirect interest in the alcoholic beverage license. This conclusion is based on the facts described in the Petitioner's Petition for Declaratory Statement and legal research by the Division. Accordingly, this conclusion has no application in the event that the factual circumstances and/or relationships among the entities described herein are incorrect or change.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has declined to rule on the petition for declaratory statement filed by Club Madonna, DS 2011-021 on January 31, 2011. The following is a summary of the agency's declination of the petition:

Based upon the facts set out in the submitted Petition for Declaratory Statement, Petitioner's proposed business model falls under the statutory definition of a bottle club, and without the appropriate alcoholic beverage license, is not valid under Florida law. Furthermore, pursuant to Section 562.121, Florida Statutes, it is unlawful for any person to operate a bottle club without the appropriate alcoholic beverage license, and any person convicted thereof is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes. This conclusion is based on the facts described in the Petitioner's Petition for Declaratory Statement and legal research by the Division. Accordingly, this conclusion has no application in the event that the factual circumstances and/or relationships among the entities described herein are incorrect or change.

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

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 Teigman, Petitioner, In re: Waverly at Las Olas Condominium Association, Inc., Docket No. 2011023336 on May 4, 2011. The petition seeks the agency's opinion as to the applicability of Section 718.404(2), Florida Statutes, as it applies to the petitioner.

Whether the residential unit owners at the Waverly at Las Olas Condominium Association, Inc., a mixed use condominium, are entitled to elect or simply to vote for a majority of the members of the board under Section 718.404(2), 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 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 Gerald A. Corrigan and Richard Luke, Petitioners, In Re: Riverside Club, Inc., Docket No. 2011023300, on May 2, 2011. The petition seeks the agency's opinion as to the applicability of none cited as it applies to the petitioner.

Whether a 1995 amendment to the declaration and bylaws of Riverside Club of Fort Myers, Inc., which lowered the vote required for amending its provisions is valid.

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 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 Stephan J. Lawrence, Petitioner/Unit Owner, In Re: Marina Tower of Turnberry Isle Condominium Association, Inc., Docket No. 2011023295. The petition seeks the agency's opinion as to the applicability of Sections 718.112(2)(f), (4), 718.116(10), 718.110(4), Florida Statutes, as it applies to the petitioner.

Whether Marina Tower of Turnberry Isle Condominium Association, Inc. may combine a vote on a material alteration to the limited common element balconies with a roof repair on a limited proxy form under Sections 718.112(2)(f), (4), 718.116(10), 718.110(4), 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 the Board of Architecture and Interior Design has issued an order disposing of the petition for declaratory statement filed by Miguel A. Rodriguez on January 3, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 4, of the January 28, 2011, Florida Administrative Weekly. The petition seeks the Board's interpretation of Rule 61G1-16.005, Florida Administrative Code, and asks for clarification with questions as outlined in the petition, concerning procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents. Petitioner's questions were specifically, "May the electronic signature described in subsection 61G1-16.005(2), F.A.C., be used in lieu of a physical signature and impression seal required by Rule 61G1-16.001, F.A.C.?" "May an electronic image of the physical signature and impression seal required by Rule 61G1-16.001, F.A.C., be made, included on a secured electronic portable document file, and used to meet the requirements of Section 481.221, Florida Statutes, and Rule 61G1-16.001, F.A.C.?" The Board considered the petition at its meeting held on February 11, 2011, in Fernandina Beach, Florida. The Board's Order, filed on May 4, 2011, answered the first question of the Petition for Declaratory Statement in the affirmative, stating that the electronic signature described in subsection 61G1-16.005(2), F.A.C., is intended to be used in lieu of the physical signature and impression seal required by Rule 61G1-16.001, F.A.C. The Board answered the second question in the negative stating there is no lawful purpose consistent with the requirements of Section 481.221, F.S., and Rule 61G1-16.001, F.A.C., for an electronic image of the physical signature and impression seal required by Rule 61G1-16.001, F.A.C., whether secured or not, made in an electronic portable document file.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Putnam County Planning & Development Services filed on May 4, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.105(3)(c), Florida Statutes as it applies to the petitioner.

and whether a building department can issue a permit to a legally licensed contractor to construct a single family accessory building, such as a detached metal carport, on a slab, if it is within the scope of the local license.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Angela Crane, Vogt Power International, filed on April 26, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.105, Florida Statutes, as it applies to the petitioner.

And whether a electrical power generation company can contract with a licensed construction company to install, repair, upgrade, etc. heat recovery steam generators (HRSG), boilers, pressure vessels, and related ancillary power generation equipment.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 11, 2011, the Board of Pharmacy has received the petition for declaratory statement from Kay Hanson, on behalf of Target Pharmacies. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.830, Florida Administrative Code, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Rule 64B16-27.830, Florida Administrative Code, as to whether Target pharmacists may provide non-dispensing functions, as in MTM, immunizations, counseling, etc., in an examination room separate from the pharmacy.

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 the Board of Pharmacy has issued an order disposing of the petition for declaratory statement filed by Edward White Hospital on January 21, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on February 4, 2011, in Vol. 37, No. 5, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Rule 64B16-28.113, Florida Administrative Code, entitled, "Permits; Single Entity; Single Location" and Rule 64B16-28.702, Florida Administrative Code, entitled, "Modified Class II Institutional Pharmacies," concerning whether the facility will need a separate license to provide pharmacy services at a wound care center. The Board of Pharmacy considered the Petition at its meeting held on April 12, 2011, in Jacksonville, Florida. The Board's Order filed on May 10, 2011, found that the petitioner, Edward White Hospital would not be required a new pharmacy permit for the wound center.

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.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the petition for declaratory statement filed by Florida Premium Finance Association, Inc. on December 29, 2010 with the Office of Insurance Regulation has been withdrawn by the petitioner and the withdrawal was accepted.

A copy of the e-mail withdrawing the petition for Declaratory Statement may be obtained by contacting: Jamie.Horne@flor.com.

Please refer all comments to: Jamie.Horne@flor.com.

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:

Metro Traffic School vs. Department of Highway Safety and Motor Vehicles; Case No.: 11-1563RP; Rule No.: 15A-10.009

Computerized Vehicle Registration vs. Department of Highway Safety and Motor Vehicles; Case No.: 11-1900RX; Rule Nos.: 15C-18.004(1)(d), 15C-18.006(4)