

For more information, you may contact: Public Information Specialist, Laura Sala, (786)759-5770, email: Lauras@iscpr group.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 Astor Post No. 9986 Veterans of Foreign Wars of the United States, Inc. Petitioner, Case No.: 2012008169 on December 27, 2011. The following is a summary of the agency's disposition of the petition:

Petitioner's proposed business model conforms to the guidelines listed in Rules 61A-1.010 and 61A- 1.0104, F.A.C., and in that respect, is valid under Section 561.42, Florida Statutes. The Division takes no position as to the legality of the sweepstakes arrangement specified in the Petition, or whether it constitutes gambling, lawful or otherwise, under Florida law. Sections 120.565, 561.02, 561.08, 561.11, 561.42, Florida Statutes.

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 Assistant General Counsel, 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 declined to rule on the petition for declaratory statement filed by Toni Ann Scarfuto and Michelle Scarfuto, Unit Owners/Petitioners, In Re: Oriole Gardens Condominium Three Association, Inc., Docket No. 2012004223 on May 14, 2012. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because it cannot issue a declaratory statement concerning events that have already taken place; or where the facts are in dispute; or unless it has competent substantial evidence, which requires that petitioners provide a complete current set of governing documents which they have not provided.

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.

NOTICE IS HEREBY GIVEN that on May 4, 2012, the Divisions of Pari-Mutuel Wagering, Hotels & Restaurants, and Alcoholic Beverages & Tobacco, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioners Jacksonville Kennel Club, Inc., and JGR Services, Inc., in DBPR Case Nos. 2012022177 (Pari-Mutuel Wagering), 2012022925 (Hotels & Restaurants) and 2012022917 (Alcoholic Beverages & Tobacco) (DS 2012-041). The petition seeks the agency's opinion as to the applicability of Chapters 509, 550, 561 and Section 849.086, F.S., as it applies to the petitioner.

The petition seeks the opinion of each division as to whether petitioners' installation of "arcade amusement machines" at its pari-mutuel facility in Jacksonville, Florida, as authorized by local Jacksonville ordinance, would jeopardize any of the state permits or licenses issued by the divisions listed above to petitioners and subject petitioners to administrative discipline. Petitioners seek a determination of the operative provisions of Chapters 509, 550, 561 and Section 849.086, F.S., and whether such would permit petitioners to install "arcade amusement machines" and, if not, whether such would subject its permits and/or licenses issued by each of the three divisions to any administrative discipline, including fines, suspension, and/or revocation. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

NOTICE IS HEREBY GIVEN that on May 8, 2012, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner Summer Jai Alai Partners in DBPR Case No. 2012022111 (DS 2012-043). The petition seeks the agency's opinion as to the applicability of Chapter 550, F.S. and Section 849.086, F.S., as it applies to the petitioner.

Petitioner seeks a determination as to whether Sections 550.615(2) and 849.086(5)(b), F.S., apply to Summer Jai Alai permits and, if so, what constitutes a full schedule of live performances for a Summer Jai Alai permit under those statutes. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Sarah Blizzard, RN, BSN, CEN, CCRN on January 4, 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. 2, of the January 14, 2011, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on February 3, 2011. The Petitioner was seeking the Board's guidance concerning whether the scope of professional nursing, as referenced in Section 464.003, Florida Statutes, allows petitioner, as an RN, to insert a peripheral intravenous line into the external jugular vein when other means of peripheral I.V. access are difficult or not feasible by an RN in the emergency department setting under the direction of a physician. The Board's Order, filed on March 29, 2011, dismissed the Petition, finding that the Petition is not in compliance with the provisions of Section 120.565, Florida Statutes and Chapter 28-105, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN that Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Lisa Marie Burton, MSN, ARNP, PMHCNS-BC on October 29, 2010. The following is a summary of the agency's disposition of the petition:

The Petitioner is seeking the Board's interpretation of Sections 464.012(4)(c), (5), Florida Statutes (2010), 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 Order Disposing 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.

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Lisa Marie Burton, MSN, ARNP, PMHCNS-BC on October 29, 2010. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 47, of the November 24, 2010, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on February 3, 2011. The Petitioner was seeking the Board's interpretation of Section 464.012(4)(c), (5), Florida Statutes (2010), 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's Order, filed on March 29, 2011, grants the Petition, finding that under the specific facts of the petition, as set forth, the Petitioner, as a CNS, is able to diagnose human responses to actual or potential behavioral health problems and implement therapeutic interventions without entering into a supervisory relationship or a protocol with a physician. Further, the board finds that Petitioner will not be subject to discipline under her ARNP certification for acts performed within the scope of practice of her CNS certification.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Sharon Van Fleet, MS, RN, PMHCNS-BC on July 19, 2010. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 32, of the August 13, 2010, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on October 8, 2010. The Petitioner was seeking the Board's interpretation of Section 464.003, Florida Statutes (2009), and whether it is within the scope of practice in the State of Florida for a clinical nurse specialist, whose specialty is psychiatric-mental health nursing, to conduct a psychiatric assessment of an individual threatening suicide. The Board's Order, filed on October 21, 2010, grants the Petition, finding that the proposed actions would not be in violation of the identified statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Bonnie Gayle Strickland Guagliardo, RN on May 6, 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. 21, of the May 27, 2011, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on June 2, 2011. The Petitioner was seeking the Board's guidance concerning whether the scope of professional nursing, as referenced in Sections 464.003(3)(a), 464.018(1)(h) and 456.072(1)(o), Florida Statutes, allows petitioner, as an RN, to administer medications such as hepatitis B prophylaxis, Vitamin K, and prophylactic ophthalmic antibiotics to a healthy newborn promptly upon admission to the newborn nursery pursuant to a standing order developed and approved by the hospital's medical staff. The Board's Order, filed on November 3, 2011, grants the Petition, finding that the proposed actions would not be in violation of the identified statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN that The Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Dana Williams, RN, on August 25, 2010. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 37, of the September 17, 2010, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on October 8, 2010. The Petitioner was seeking the Board's guidance concerning whether the scope of professional nursing, referenced in Sections 464.003, Florida Statutes, allows Petitioner, as an R.N., to administer the medication of Botox and Dysport under physicians orders and supervision The Board's Order, filed on October 21, 2010, dismissed the Petition, finding that the Petition is not in compliance with the provisions of Section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT on March 13, 2012, the Board of Osteopathic Medicine issued a Final Order on the petition for declaratory statement filed on behalf of Florida Hospices and Palliative Care, Inc. The Notice of the Petition was published in Vol. 38, No. 5, of the February 3, 2012, issue of the Florida Administrative Weekly. The Board reviewed the Petition at its meeting held on February 18, 2012. The Board's Final Order finds that when a physician provides palliative care through the prescribing of controlled substances to a patient served by a hospice or an entity controlled by or under common control with a hospice, the patient is being treated for a pain that is within the usual course of his or her disease and comorbidities, including related secondary conditions. As such, the treating physician is not subject to the provisions of Section 456.44(2) and (3), F.S.

A copy of the Final Order may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has declined to rule on the petition for declaratory statement filed by Robert L. Buck, Esquire, P.A. on February 28, 2012. The following is a summary of the agency's declination of the petition:

The agency is unaware of what is referred to as a "cosmetic check" and unaware of any property insurance policy provision that addresses "cosmetic" perils. Section 626.860, Florida Statutes, exempts licensed attorneys from being required to obtain and maintain a public adjuster's license to adjust insurance claims, so the question asked is both moot and hypothetical. Declaratory Statements are to be issued to when there are set facts and the need for resolution of the matter. Those conditions are not present in this matter. Because Robert L. Buck, has the legal ability to adjust insurance claims, any statutes applicable to public adjusting are not applicable to him, and in the adjustment of insurance claims Robert L. Buck is governed by the rules of the Florida Bar and not the Department.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Michael Davidson, Assistant General Counsel, Department of Financial Services, Division of Legal Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

DEPARTMENT OF ECONOMIC OPPORTUNITY

NOTICE IS HEREBY GIVEN that the Department of Economic Opportunity has received the petition for declaratory statement from Habitat for Humanity of Collier County. It has been assigned case number 2012-00064. The petition seeks the agency’s opinion as to the applicability of Sections 163.3177(6)(f)1.g. and 163.3184(3), F.S., and Policy 1.10 of the Housing Element of the Collier County Comprehensive Plan as it applies to the petitioner.

The Petition seeks a declaration that affordable housing is an important state resource or facility, and guidance as to the meaning of “concentration” in the phrase “avoid the concentration of affordable housing units only in specific areas of the jurisdiction” in Section 163.3177(6)(f)1.g., F.S., and in the Housing Element Policy 1.10 of the Collier County Comprehensive Plan.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4128.

**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

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB12MB-153, Reitz Union Sixth Floor and Penthouse Roof Replacement, estimated budget: \$290,000, to be opened June 28, 2012, 2:00 p.m. in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Removal of existing roof materials and replace with new per specifications. See bid documents at the website below. Mandatory pre-bid meeting and Mandatory site visit will be held June 13, 2012, 10:00 a.m., at the J. Wayne Reitz Union, Room B-75, Museum Road, Gainesville, FL. Doors will be locked promptly at 10:00 a.m. Parking passes will be available at Building Superintendent’s office (Billy Mathis’s Office) in the J. Wayne Reitz Union, thirty minutes before meeting. Questions should be directed to: Mercedes Bongiovanni, email: mbongio@ufl.edu or (352)392-1331, ext 210. For more information visit: www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact: Purchasing, email: purchasing@ufl.edu or (352)392-1331, within three (3) days of the event.

WATER MANAGEMENT DISTRICTS

Surveying Services for Minimum Flows and Levels
The Suwannee River Water Management District (District) is requesting sealed qualifications from respondents with a valid State of Florida Certificate of Authorization or independent Registered Florida Surveyors for the collection of topographic and hydrographic data to be incorporated into a hydrologic model of the Suwannee River.