

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elizabeth Laubach, 9887 4th St., N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

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

**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 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 Jane and William Cunningham, Petitioners/Unit Owners, In RE: Ocean Walk Beach Condominium Association, Inc., Docket No. 2008062575 on November 5, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the petitioners request a ruling on actions that have already occurred and because there are facts in dispute.

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 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 Rick Irizarry and Christine H. Irizarry. In Re: Laguna Pointe Condominium Association of Pensacola, Inc., Docket No. 2009000291. The petition seeks the agency's opinion as to the applicability of Sections 718.113, 718.301(7), and 718.303, Florida Statutes, as it applies to the petitioner.

Whether Laguna Pointe Condominium Association of Pensacola, Inc. is required to have a Florida licensed architect supervise and approve major damage repairs to the common elements caused by construction defects and design errors under Sections 718.113, 718.301(7), and 718.303, 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 Edward Jansen, President, of Lauderdale West Community Association, In Re: Lauderdale West Community Association, Docket No. 2009000294. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d), Florida Statutes (2008), as it applies to the petitioner.

What is the number and term of directors to be elected in 2009 at Lauderdale West Community Association, Inc. under Section 718.112(2)(d), Florida Statutes (2008).

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.

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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 Laurence R. Smith, Petitioner, In Re. Hawaiian Village Mobile Home Park, Docket No. 2009001111. The petition seeks the agency's opinion as to the applicability of under Section 723.012, 723.037, or 723.045, Florida Statutes, as it applies to the petitioner.

Whether Hawaiian Village Mobile Home Park may pass through the cost of installing water submeters to each lot to the mobile home owners under Section 723.012, 723.037, or 723.045, 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.

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NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by Management Planning, Inc. on April 2, 2008. The following is a summary of the agency's disposition of the petition:

The Commission considered the Petition at its meeting held on October 14, 2008. The Commission's Order, filed December 2, 2008, granted the Petition for Declaratory Statement and declared that MPI does not qualify as a "broker" as defined in Section 475.01(1), Florida Statutes, if it conducts valuation studies of businesses and their assets in conjunction with estate and gift tax valuations and corporate valuation activities and does not appraise real estate but relies instead on licensed appraisers to do so and does not in any capacity act as a business broker or participate in or procure the sale of real estate.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, FL 32801.

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## 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."

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## DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Yvonne Smallwood Sherrer, M.D., on January 12, 2009. The Petitioner seeks the Board's opinion as to whether the Petitioner is authorized within her practice of medicine to delegate the performance of IV infusion therapy, when performed under Petitioner's direct supervision and responsibility, to an unlicensed medical assistant pursuant to Section 458.3485, Florida Statutes. The Board will consider this petition at its meeting scheduled for February 7, 2009, in Tampa, Florida.

A copy 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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NOTICE IS HEREBY GIVEN THAT the Board of Nursing has declined to rule on the petition for declaratory statement filed by Lauren Arango, RN on July 2, 2008. The following is a summary of the agency's declination of the petition:

Specifically, the Petitioner requested that the Board issue a Declaratory Statement determining under the provisions of Chapter 464, Florida Statutes, that based on Petitioner's training and experience, it would be within the scope of practice of a Registered Nurse to provide, under PT or OT supervision, Lymphaedema therapy to patients. The Board of Nursing considered the Petition at its meeting held on December 5, 2008, in Kissimmee, Florida. The Board's Order, filed on January 12, 2009, dismissed the petition, finding that the petition sought the interpretation of the practice of licensees not under the jurisdiction of Chapter 464, Florida Statutes, and therefore not regulated by the Board of Nursing.

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The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Amy Arcand. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008. The petition inquired as to the following questions: whether a licensed optician can oversee a trained person and allow him or her to prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or optical devices when such a person is not licensed as an optician in Florida; and whether a

licensed optician can oversee a trained person and allow him or her to fit or dispense any lenses, spectacles, eyeglasses or other optical devices.

The Board declines to issue a declaratory statement because Section 484.011, Florida Statutes, is clear regarding these questions.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Gale A. Eriksson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008.

The Board's Order, filed on November 25, 2008, denies the Petition for Variance or Waiver of subsection 64B12-9.017(1), Florida Administrative Code. The Board finds that the Petitioner has not established that the purpose of the underlying statute, Section 484.007(1)(d)3., Florida Statutes, would be met were she granted a variance or waiver from subsection 64B12-9.017(1), Florida Administrative Code. Further, the Petitioner failed to establish that the Board's application of subsection 64B12-9.017(1), Florida Administrative Code, to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on January 8, 2009, the Board of Pharmacy has received the petition for declaratory statement from Timothy Weathers on behalf of Unique Pharmaceuticals. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.700, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, concerning the practice of compounding.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has received the petition for declaratory statement from Amanda J. Green, Assistant City Attorney for City of Orlando and John Miller, Deputy Chief for

Orlando Fire Department on January 9, 2009. The petition seeks the agency's opinion as to the applicability of Section 401.281(1)(d), Florida Statutes, as it applies to the petitioner.

Petitioner is asking whether a driver who accepts a plea of non-alcohol related reckless driving with adjudication of guilt withheld may still operate an emergency vehicle for the next three years.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander\_macy@doh.state.fl.us.

Please refer all comments to: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander\_macy@doh.state.fl.us.

#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Mr. Clyde Lightbourn on August 13, 2008. The following is a summary of the agency's disposition of the petition:

The petition seeks the agency's opinion as to the applicability of paragraph 69B-220.201(5)(b), F.A.C., as it applies to the Petitioner. The Declaratory Statement concludes the above-referenced rule provision does apply to the facts presented in the Petition, as the rule was promulgated prior to the execution of the fee agreement. Thus, the rule provision would not be deemed to have an impermissible retroactive application to this specific fact situation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mechele R. McBride, Assistant General Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0333.

### 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**