

issued a declaratory statement In Re: Petition for Declaratory Statement, Fountainhead Association, Inc., Petitioner; Docket Number DS2001-036.

The declaratory statement provided, in summary, that where the condominium documents are silent regarding the use of power of attorney, Petitioner is required by Sections 718.1035 and 718.112(2)(c), Florida Statutes, to allow a person holding a power of attorney from a unit owner, to attend, speak at, and participate in the association's board of administration meetings.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Daniel Gilroy (Petitioner) v. Third Ocean Club Condominium Association, Inc., (Intervenor); Docket Number DS2001-034.

The declaratory statement provided, in summary, that article 10.3 of the declaration of the Third Ocean Club Condominium prohibiting tenants from keeping pets does not violate Section 718.106, F.S., and does not conflict with article 10.2 of the declaration.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Psychology, State of Florida, has received a Petition for Declaratory Statement from Bernadine Rice, General Counsel, on behalf of the Orange County Sheriff's office, in which the Petitioner requests a declaratory statement as to the following:

The Petitioner seeks the Department's opinion as to the applicability of Chapter 490, Florida Statutes, in the employment of James Herndon, Ed.D., as a "Staff Psychologist" by the Orange County Sheriff's Office (OCSO) to conduct pre-employment psychological examinations, certify deputies as being fit or unfit for duty when their mental state is in question, and assist crisis intervention teams. The University of Central Florida has contracted with OCSO to provide pre-employment psychological examinations, conducted by Dr. Herndon. In addition, OCSO is considering

making Dr. Herndon available to OCSO employees to provide occasional and informal counseling through OCSO's Employee Assistance Program.

Dr. Herndon is not licensed in Florida as a psychologist. Therefore, the following questions are a concern:

1. Does Florida law require that Dr. Herndon be a licensed psychologist to perform his duties for the OCSO?
2. If Dr. Herndon is exempt from the licensing requirements for Chapter 490, Florida Statutes, is his status jeopardized by performing pre-employment psychological examinations for the University of Central Florida Department of Public Safety and Police as part of his regular duties for the OCSO?
3. If Dr. Herndon is exempt from the licensing requirements of Chapter 490, Florida Statutes, is his status jeopardized if he occasionally counsels agency members on an informal basis?
4. May Dr. Herndon use the title "Staff Psychologist," in performing his responsibilities for the OCSO?
5. If Dr. Herndon holds an earned Ed.D. from the University of Sarasota, is he qualified to be a licensed psychologist?

A copy of the petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

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:

Broward County, City of Pompano Beach, City of Plantation, Miami-Dade County, City of Coral Springs, Town of Davie, City of Delray Beach, City of Fort Lauderdale, City of Boca Raton, John M. Haire, Patricia Haire, Laz Schneider, Ellen Schneider, et al vs. Department of Agriculture and Consumer Services; Case No.: 01-4519RP; Rule No.: 5B-58.001(16)

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

Bristol-Myers Squibb Company vs. Department of Health, Board of Pharmacy and Department of Health, Board of Medicine and Barr Laboratories, Inc.; Case No.: 01-4028RP; Rule No.: 64B16-27.500; Closed