

A copy of the Petition for Declaratory Statement may be obtained by writing: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, has received a petition filed on April 4, 2003, pursuant to Section 120.565, Florida Statutes, from Drake Yachtshares, Inc., for a declaratory statement regarding the application of Section 517.021(19), Florida Statutes. Specifically, the petitioner has requested a declaratory statement concerning whether membership interests in a Florida limited liability company (LLC), to be marketed, sold and subsequently managed by petitioner and his agents and affiliates, are securities as defined under Chapter 517.021(19) of the Florida Securities and Investor Protection Act.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Financial Services, Office of Financial Institutions and Securities Regulation, Office of the Chief Counsel, 200 East Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379.

Requests for copies or inspection should be made to Cynthia K. Maynard, Senior Counsel, Department of Financial Services, Office of Financial Institutions and Securities Regulation, Suite 526, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0379.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may intervene concerning this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene should be in conformance with Rule 28-106.201 or 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Original petitions and two copies shall be filed with the Clerk, Department of Financial Services, Office of Financial Institutions and Securities Regulation, Legal Office, Suite 526, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The following statutory chapters and rule chapters directly govern proceedings before the Department: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of substantially affected persons, the

Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued an order disposing of the amended petition for declaratory statement filed by C. Hamilton Boone of Physician Assistant Services, Inc., on March 6, 2003. The following is a summary of the agency's disposition of the petition.

For the purposes of Section 627.419(6), Florida Statutes, the legislature did not define the word "employer". Thus, the Florida Supreme Court has stated in numerous cases that when the legislature has not defined words or phrases used in a statute, the words or phrases must be construed in accordance with their plain and ordinary meaning. Moreover, the Florida Supreme Court has found that the plain and ordinary meaning of a word or phrase may be determined by reference to a dictionary. Thus, based on the facts presented by the Petitioner and the plain and ordinary meaning of the word "employer" as defined by the dictionaries referenced in the declaratory statement, Physician Assistant Services, the Petitioner's employer, qualifies as an employer pursuant to Section 627.419(6), Florida Statutes, and should receive reimbursement for Petitioner's and the other physician assistants' services as long as the other criteria for reimbursement of physician assistants set forth in Section 627.419(6), Florida Statutes, are met.

A copy of the declaratory statement may be obtained by writing: Mechele R. McBride, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 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**

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

**NONE**