

situation: Sections 1003.43; 1009534(1)(a); 1009.531(1) (a)-(f); 1009.531(2), (3), and (5); 1007.27(1); 1007.27(2), (5), (6), (11), and (12); 1007.261(3), Florida Statutes.

Response: Declaratory statements are for the purposes of interpreting the law and state agency's are limited to the extent of issuing legal opinions on the application of a statutory provision to the petitioner (BJL v. Department of Health and Rehabilitative Services, 558 So. 2d 1078 (Fla. 1st DCA 1990); Coastal Petroleum Company v. State of Florida, Department of Natural Resources, 608 So. 2d 110 (Fla. App. 4 Dist., 1992). Therefore, the purposes of a petition for declaratory statement must not be for seeking approval or disapproval of agency actions (Novick v. Department of Health, 816 So. 2d 1237, 1240 (Fla. App. 5 Dist., 2002), nor for seeking to challenge agency action.

The Petitioner was denied a Bright Futures Scholars award for not fulfilling the two (2) year foreign language requirement prior to completing high school. The Financial Aid Appeal Committee reviewed Petitioner's file and affirmed the initial determination of non-eligibility in its Order on the matter. Petitioner's request for declaratory statement seeks to raise issues that were or could have been raised by the Petitioner in the Appeal hearing pursuant to Section 1009.42, Florida Statutes. The Petitioner seeks to essentially challenge an agency decision. The Department denies the petition on the grounds that it seeks a ruling on events that have already taken place, and on matters that were or could have been raised as a subject of an adversarial proceeding.

A copy of the disposition of this request may be obtained by writing: José Blas Lorenzo, Jr., Assistant General Counsel, Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, FL 32303.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from The Phineas Corporation. The petition seeks the agency's opinion as to the applicability of Sections 627.291 and 627.371, F.S. to the Petitioner.

A copy of the petition may be obtained by contacting Christopher Hunt, Esquire, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333. Phone: (850)413-4108.

**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