

3. All maintenance work done by authorized employees of the City would fall into the exemption listed at Section 489.103(3), F.S. If subcontracted, whether a licensed contractor would be necessary for maintenance of the P.E.P is determined by the scope of the maintenance.
4. Under the provisions of State law the City may install, operate and maintain its P.E.P. tanks using its own City Utility Department employees.
5. What constitutes "excavation" is a fact driven question and must be considered on a case to case basis.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Construction Industry Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Declaratory Statement filed by Rhonda Montoya Hasan, First Assistant City Attorney, on the behalf of the City of Miami Beach. Notice of Petition of Petition for Declaratory Statement was published in Vol. 30, No. 27, of the July 2, 2004, Florida Administrative Weekly. The Electrical Contractors' Licensing Board considered the Petition at its meetings held on July 22, 2004 in Tampa, Florida, and October 6, 2004 in Tallahassee, Florida. The Board's Order, filed on December 17, 2004 grants the Petition, concluding that:

"While all municipal employees are exempt from the licensure requirements of Chapter 489, Part II, Florida Statutes, individual departments of the City, such as the Property Management Department and Public Works Department, may be considered as separate legal entities pursuant to Section 489.521(2)(a)1., Florida Statutes. Thus, different licensees may apply to qualify the different departments, if they so choose. Each departmental qualifier would be responsible only for the work performed by that individual department and not for all of the work performed by the City as a whole."

A copy of the Board's Order may be obtained by contacting: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Declaratory Statement filed by Tritt & Franson, P.A., on the behalf of Zabatt Engine Services, Inc. Notice of Petition of Petition for Declaratory Statement was published in Vol. 30, No. 43, of the October 22, 2004, Florida Administrative Weekly. The Electrical Contractors' Licensing Board considered the Petition at its meeting held on November 19, 2004, in Tallahassee, Florida. In the Board's Order, filed on December 9, 2004, the petition for a declaratory statement was granted. The Board concluded that the licensing requirement

set forth in Chapter 489, Part II, Florida Statutes, is inapplicable to a vendor providing services and repairs to generator power systems.

A copy of the Board's Order may be obtained by contacting: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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 HEALTH

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Robert W. Patton, Jr., M.D. The Board reviewed the petition at its meeting held on October 2, 2004, in Miami, Florida. The Board's Final Order, filed in this cause on December 16, 2004, finds that the Petitioner's activities, as outlined in the Petition, constitutes the active practice of medicine, pursuant to Section 458.319, F.S., and for the purpose of active status renewal.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**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