

July 15, 2005, in Jacksonville, Florida. The Petition requested the Board’s opinion on 4 questions concerning whether an orthotist or an orthotic fitter can independently apply or adjust a halo brace without physician supervision. The Board’s order, opines that the answer to each of the posed questions is “No. ” The opinion does qualify the “No” response to one of the questions.

For a copy of the order, contact: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-0783

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Declaratory Statement that was filed on June 10, 2005, by Nellie Hart, Psy.D. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 26, of the July 1, 2005, Florida Administrative Weekly. Petitioner sought the Board’s interpretation of Section 490.005, Florida Statutes and Rule 64B19-11.005, F.A.C. and whether Nellie Hart’s position with the Miami Dade Public Defender’s Office as a Disposition Specialist meets the supervised experience requirements for state licensure. The Board of Psychology considered the Petition at its meeting held on July 29, 2005, in Ft. Lauderdale, Florida. The Board’s Order, filed on August 12, 2005, answered the Petition for Declaratory Statement, finding that the employment described by Petitioner does not provide the post-doctoral experience required of applicants for licensure as a psychologist in Florida pursuant to Section 490.005(1)(c), F.S., and Rule 64B19-11.005, F.A.C.

A copy of the Board’s Order may be obtained by contacting: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed August 8, 2005, from Mr. Barry Baker, Fire Chief of Ormond Beach Fire Department, Petitioner. The Petition is seeking the Department’s interpretation of the Florida Fire Prevention Code and, in particular, NFPA 407 relating to fire fuel storage facilities. Specifically, Petitioner asks:

- A. Does the National Fire Protection Association Standard 407 apply to fuel storage facilities at Ormond Beach Aviation and Sunrise Aviation at the addresses cited above?
- B. Can the authority having jurisdiction require or allow comparable safety measures in place of referenced safety provisions in the code (specifically NFPA 407)?

- C. If violations are found at either of the above referenced fuel farms, is the state the enforcement arm to correct these violations or will they assist the authority having jurisdiction in enforcement?

A copy of the Petition may be obtained by writing to, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), e-mail: Gabe.Mazzeo@fldfs.com.

**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:

Philip James Hursh vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 05-2859RE; Rule Nos.: 61G15-20.0015(3), 61G15-21.009(1)(b),(3)

The Florida Insurance Council, Inc., The American Insurance Association, Property Casualty Insurers Association of America and National Association of Mutual Insurance Companies vs. Department of Financial Services, Office of Insurance Regulation and the Financial Services Commission; Case No.: 05-2803RP; Rule No.: 69O-125.005

Rezwan Ashdji, M.D. vs. Agency for Health Care Administration; Case No.: 05-2853RU

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