

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by Hernando County Board of County Commissioners, Case No. DS-2008-002 on August 22, 2008. The following is a summary of the agency's disposition of the petition:

The petition was denied because the question posed was not appropriate for resolution in a proceeding seeking a declaratory statement. The question posed in the petition concerned a current dispute which was appropriately resolved in a pending representation petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950.

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Peter Cavanagh, a Unit Owner in Brittany Condominium Association, Inc. and Kings Point Community Association, Inc., Docket No. 2008042753 on July 24, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because an agency cannot determine rights of third parties who are not parties to a declaratory statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Morris M. Hochberg, Petitioner/Unit Owner, In RE: The Club at Crystal Lake Condominium Association, Inc., Docket No. 2008053754. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether the Club at Crystal Lake Homeowner Association, Inc. may select a contractor to convert a racquetball court building into a multipurpose community center without obtaining competitive bids under section 718.3026, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Lake Howell Arms Condominium Association, Inc., Docket No. 2008035277 on June 9, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because a declaration may not address issues where there are facts in dispute or where there are owners who will be affected by the decision and who are not parties to the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Eileen and John Reigert, Petitioners, In RE: Villas on the Gulf Condominium Association, Inc., Docket No. 2008040824 on July 15, 2008. The following is a summary of the agency’s declination of the petition:

The Division declined to issue an order because the Division does not have jurisdiction to interpret vague or ambiguous provisions in a declaration and a declaration may not address issues that have already occurred.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Lauren Arango, RN. The petition seeks the agency’s opinion as to the applicability of Section 464.003(3)(a), F.S., as it applies to the petitioner.

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on July 3, 2008 by Lauren Arango, RN. The Petitioner seeks the Board’s interpretation of the application of Section 464.003(3)(a), Florida Statutes. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under the appropriate statutory provisions that based on Petitioner’s training and experience, as noted in the petition, it would be within the scope of practice of a Registered Nurse to provide,

under PT or OT supervision, Lymphaedema therapy to patients. This petition will be considered at the Board’s December 3, 2008 meeting.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

**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**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-126, Substation No. 2/Heat Plant No. 2, Medium Voltage Switchgear Replacement, estimated budget: \$239,550, to be opened November 12, 2008, 2:00 p.m., in the 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Outside of