

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation has received the petition for declaratory statement from Republic National Distributing Company and Johnson Brothers Liquor Company. The petition seeks the agency's opinion as to the applicability of Chapters 561 through 565, F.S., as it applies to the petitioner.

Whether Republic National Distributing Company (RNDC) and Johnson Brothers Liquor Company (JBL), two separately licensed distributors of alcoholic beverages in the state of Florida, can, in accordance with Chapters 561 through 565, Florida Statutes, and the implementing rules set forth in Chapter 61A, Florida Administrative Code, share licensed warehousing facilities owned by RNDC in Tampa, Florida, in which inventory would be commingled. The proposed business plan highlights that Petitioners do not distribute any of the same brands of alcoholic beverages in Florida, and that an automated electronic warehouse management system, owned by RNDC and designed by Manhattan Associates, would be used to facilitate inventory audits.

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

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 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 John Cirigliano, Petitioner/Unit Owner, In Re: Bel-Aire on the Ocean Condominium Association, Inc., Docket No.:

2010035224. The petition seeks the agency's opinion as to the applicability of Chapter 2010-174, Section 16, Laws of Florida as it applies to the petitioner.

Whether Bel-Aire on the Ocean Condominium Association, Inc. can deny an 8th floor tenant's access to the common element front entry with easy access to the elevator while permitting access through the garage under Chapter 2010-174, Section 16, Laws of Florida.

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 Desmond Fowles, In Re: Lansbrook Village Condominium Association, Inc., on May 11, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it cannot issue a statement concerning events that have already taken place; or because petitioner did not provide a complete current set of governing documents as competent substantial evidence for review.

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 Dave Hancock, Petitioner/Unit Owner, In Re: El Matador Association, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 2010-174, Section 9, Laws of Florida (2010) as it applies to the petitioner.

Whether disciplinary records of the manager of El Matador Association, Inc. are exempt from unit owner inspection under Chapter 2010-174, Section 9, Laws of Florida (2010).

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 received the petition for declaratory statement from David H. Rogel, Esq., on behalf of Club Atlantis Condominium Association, Inc., Docket No.: 2010034373. The petition seeks the agency's opinion as to the applicability of Section 718.111(11), Florida Statutes (2010) as it applies to the petitioner.

Whether Club Atlantis Condominium Association, Inc. must insure the limited common element cabanas under Section 718.111(11), Florida Statutes (2010).

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 Jane Somers, Gordon Gould, and Richard Page, Unit Owners/Petitioners, In Re: Eastwood Shores Condominium No. 4 Association, Inc., on June 7, 2010. The following is a summary of the agency's declination of the petition:

The division declined to issue a Declaratory Statement because it cannot issue a statement concerning events that have already taken place; or because petitioners did not provide the division with a complete current set of governing documents as competent substantial evidence for review.

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.

The Construction Industry Licensing Board hereby gives notice that on July 7, 2010, it received a Petition for Declaratory Statement filed by Purl G. Adams, III. The petition seeks the Board's interpretation of Sections 489.105(3)(j), (k), (l), (m), (o), Florida Statutes, and whether a Swimming Pool/Spa Servicing Contractor is qualified to install solar pool heaters.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice that on July 21, 2010, it received a Petition for Declaratory Statement filed by Fred R. Dudley, Esq. and Lawrence E. Sellers, Esq. on behalf of Malcolm Drilling Company. The petition seeks the Board's interpretation of Sections 489.103(1), Florida Statutes, and Rule 61G4-12.011, Florida Administrative Code, and whether any license is required under Chapter 489, Part 1, Florida Statutes, for work on a public transportation project in the State of Florida as a subcontractor to the general contractor.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice that on June 30, 2010, it received a Petition for Declaratory Statement filed by Michael R. McCullough, Esq. on behalf of DeMay, Inc. The petition seeks the Board's interpretation of Sections 489.105(3)(n) and 633.021(19), Florida Statutes, to determine whether a licensed underground utility contractor is authorized to install combination lines to the point of service.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice that on July 1, 2010, it received a Petition for Declaratory Statement filed by Jacqueline Watts. The petition seeks the Board's interpretation of Sections 489.105(3)(f), (g), (i), (m), Florida Statutes, and whether installing and servicing LP gas appliances is within the scope of an A/C A, A/C B, Mechanical Contractor's and Plumbing licenses.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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 on May 25, 2010, the Board of Pharmacy has received the petition for declaratory statement from Jeffrey Gibbs. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.700, F.A.C., as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding the applicability of Rule 64B16-27.700, F.A.C., and whether the rule would permit a non-resident pharmacy to compound medications for use in a doctor's office.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

NOTICE IS HEREBY GIVEN THAT the Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has issued an order disposing of the petition for declaratory statement filed by the North Naples Fire Control and Rescue District on April 9, 2010. The following is a summary of the agency's disposition of the petition:

The petition was denied in part and granted in part as follows: 1. Questions 1 through 4 in the petition concern the actions of a person other than the Petitioner. A declaratory statement is not the appropriate means to determine the conduct of another person. Rule 28-105.001, F.A.C. Therefore, the petition as regards these questions is DENIED. 2. Question 5 in the petition requires an interpretation of corporate law, a matter over which the Department has no authority. Rule 28-105.001, F.A.C. Therefore, the petition as regards this question is DENIED. 3. Question 6 inquires as to whether the Petitioner can limit a medical director's authority by providing that all training requirements be developed with a third party. The petition regarding this question is GRANTED. The answer is NO. The statutory authority is the medical director's alone and is not shared or limited by external agreements. In re: Miami-Dade Fire Rescue, Petition for Declaratory Statement, DOH 2007-0102.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Melia Jenkins, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399, Fax: (850)488-9408, Melia_Jenkins@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Eric A. Neilinger on May 4, 2010. The following is a summary of the agency's disposition of the petition:

The Petitioner asks in several different ways whether the local authority having jurisdiction has the discretion to deny the use of the AES brand radio mesh network as an alternative means of emergency resources notification. The answer is yes. The petitioner must demonstrate to the satisfaction of the local authority having jurisdiction that the system is functionally equivalent to the requirements set forth in Rule 69A-48.008, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238; Fax: (850)922-1235 or (850)488-0697 (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) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.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:

NONE

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

NONE