

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT the Florida Department of Agriculture and Consumer Services has issued an order disposing of the petition for declaratory statement filed by Calder Race Course, Inc. and Tropical Park, Inc. on November 16, 2010. The following is a summary of the agency's disposition of the petition: The petition was granted. The Petitioners requested the Department's opinion regarding whether Section 849.094, Florida Statutes, applies to the Petitioner's specifically described marketing activities, restricted to patrons of their pari-mutuel facilities, including the giving away of services, tickets, merchandise, and travel packages in connection with their operation of pari-mutuel wagering facilities. The activities specifically outlined in the petition do not fall within the definition of "game promotion," as defined in Section 849.094, Florida Statutes. The Department's Declaratory Statement was filed on December 21, 2010.

For a copy of the petition or the Declaratory Statement, please contact: Ms. Amy Topol, Assistant Division Director, Division of Consumer Services, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500.

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 declined to rule on the petition for declaratory statement filed by Erin E. Smith, a staff attorney with the National Right to Work Legal Defense Foundation in Virginia, Case No. DS-2010-003 on November 1, 2010. The following is a summary of the agency's declination of the petition:

The Commission declined to provide a declaratory statement because the question of whether the Commission-appointed hearing officer erred by denying Attorney Erin E. Smith pro hac vice admission to represent an employee during an unfair labor practice hearing has ripened into actual controversy and litigation. The facts in the petition demonstrated that the petition is a challenge to a ruling made by a hearing officer

during litigation. In addition, the petition is not seeking guidance from the Commission regarding Smith's future actions; rather, the petition is seeking to resolve a dispute emanating from past conduct.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 135, Tallahassee, Florida 32399-0950.

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 issued an order disposing of the petition for declaratory statement filed by of Display Points Group on November 19, 2010. The following is a summary of the agency's disposition of the petition:

Based upon the facts set out in the submitted Petition for Declaratory Statement, Petitioner's network advertising system and proposed business model are valid under Florida law, should Petitioner compensate the host retail venue by allowing it to utilize twenty percent (20%) of the advertising time available in each hour to display the host retail venue's own content. However, Petitioner's network advertising system and proposed business model are problematic and invalid under Florida law, should Petitioner choose to compensate the host retail venue by paying either a flat monthly lease fee or a variable monthly lease fee based on the total number of non-alcohol beverage advertisers featured per month. This conclusion is based on the facts described in the Petitioner's Petition for Declaratory Statement and legal research by the Division. Accordingly, this conclusion has no application in the event that the factual circumstances and/or relationships among the entities described herein are incorrect or change.

A copy of the Order Disposing 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 Mark Faris, Secretary, Sea Oats of Juno Beach Condominium Two Association, Inc., Docket No. 2011001013 on January 6, 2011.

The petition seeks the agency's opinion as to the applicability of Section 718.115(1)(g), Florida Statutes as it applies to the petitioner.

Whether a unit's unpaid assessments extinguished by foreclosure are collectible from all units in the multi-condominium or the condominium in which the unit is located under Section 718.115(1)(g), 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.

The Construction Industry Licensing Board hereby gives notice that on December 23, 2010, it received a Petition for Declaratory Statement filed by Rowdy Carlton, Vice President, Eastern Pipeline Construction, Inc. The petition seeks the Board's interpretation of Rule 61G4-15.026, Florida Administrative Code, and whether a Gas line specialty contractor is licensed to do directional drilling as a means of installation of gas pipelines.

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 January 6, 2011, it received a Petition for Declaratory Statement filed by John R. Lohr, The Red Mountain Group. The petition seeks the Board's interpretation of Rule 61G4-15.034, Florida Administrative Code, and whether a contractor's license is required to mount antennas on pre-existing cell towers.

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 the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Elizabeth F. Callahan, M.D., on January 12, 2011.

The Petitioner requests that the Board find that Section 458.348(4)(c)3., Florida Statutes, permits the supervision of the services outlined in the Petition by the Petitioner at an office that is not the Petitioner's primary practice location where such office is located in the same county as Petitioner's primary practice location and the distance between such office locations is 75 miles or less. The Board will consider this petition at its meeting currently scheduled for February 4-5, 2011.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT on January 4, 2011, the Board of Pharmacy has received the petition for declaratory statement from Martin R. Dix, Esquire, on behalf of Orlando Health. The petition seeks the agency's opinion as to the applicability of Rule 64B16-28.450, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B16-28.450, Florida Administrative Code, concerning whether Orlando Health may operate a central fill pharmacy licensed as either an Institutional Class II pharmacy or a Community Pharmacy with a special Parenteral/Enteral permit. A copy of the Petition for Declaratory Statement may be obtained by contacting: Kelli Ferrell, RPh., Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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 David Woodside, Assistant Fire Chief, BOCA RATON FIRE RESCUE, on October 12, 2010. The following is a summary of the agency's disposition of the petition: The Petition requests a declaratory statement regarding Section 633.0215(14), F.S., as amended by SB 1196 effective July 1, 2010, relating to manual fire alarm systems. Specifically, the Petition asks whether the systems existing in the subject property can be removed. The subject property is a three story townhouse development. The largest buildings in the development are three stories, four unit buildings. Each building has a separate alarm system and sprinkler system. The Declaratory Statement filed on January 10, 2011, concludes that the existing fire alarm systems on the subject property may not be removed. The Florida Fire Prevention Code requires a fire alarm system on the subject property and the statutory exemption does not address removals, only installations. Statutory exemptions are strictly construed and apply prospectively unless otherwise clearly indicated.

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.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received the petition for declaratory statement from CBRE Capital Markets, Inc. The petition seeks the agency’s opinion as to the applicability of Chapter 494, Florida Statutes (2010) as it applies to the petitioner.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has issued an order regarding the petition for Declaratory Statement for CBRE Capital Markets, Inc. filed on September 28, 2010. The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 41, of the October 15, 2010, Florida Administrative Weekly. The petition sought Office’s opinion as to whether CBRE Capital Markets, Inc.’s proposed operation to only seek mortgages from depository institutions, investment banks, life insurance companies, real estate investment trusts, and other business entities that invest in mortgage loans requires licensure as either a mortgage lender or mortgage broker under Chapter 494, Florida Statutes (2010). The Office’s Order, filed on December 21, 2010 answers the Petition for Declaratory Statement. CBRE Capital Markets, Inc. is not required to be licensed as a Mortgage Lender or Mortgage Broker pursuant to Chapter 494, Florida Statutes (2010).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Ekecia M. Grayson, Esq., 200 E. Gaines St., Tallahassee, FL 32399-0376.

Please refer all comments to: Ekecia M. Grayson, Esq., 200 E. Gaines St., Tallahassee, FL 32399-0376.

**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

Florida State University
Elevator Renovation
Invitation to Bid (ITB)

The Florida State University Facilities Purchasing will receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC24516-11
Procurement Associate: Betty-Jean (BJ) Lewis, Facilities
Public Bid Opening: February 10, 2011
Time: 10:00 a.m. (EST)

FSU-Facilities Maintenance
Facilities Maintenance Purchasing
969 Learning Way
110 Mendenhall, Building A
Tallahassee, Florida 32306-4150