

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479, monica\_cash@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**CORRECTION** – The **NSRC** Administration Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 24, 2011, 1:30 p.m.

**PLACE:** Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General.

A copy of the agenda may be obtained by contacting: monica\_cash@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479, monica\_cash@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**CORRECTION** – The **NSRC** Finance Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 25, 2011 10:30 a.m.

**PLACE:** Agency for Person’s with Disabilities, Southwood 4030, Rm 301, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General.

A copy of the agenda may be obtained by contacting: monica\_cash@nsrc.myflorida.com.

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## 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**

#### **CORRECTED NOTICE OF PETITION FOR DECLARATORY STATEMENT**

The Construction Industry Licensing Board hereby gives notice that on January 12, 2011, it received a Petition for Declaratory Statement filed by Steven Markel, Complete Environmental Solutions. The petition seeks the Board’s interpretation of Chapter 489, Florida Statutes, and whether a mechanical contractor is licensed to install a small lift station from the home into the common sewer line at the street.

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

**NOTICE IS HEREBY GIVEN THAT** The Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by Roslyn J. Chancey on November 22, 2010. The following is a summary of the agency’s disposition of the petition:

The Florida Real Estate Commission hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement filed by Roslyn J. Chancey. The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 47 of the November 24, 2010, Florida Administrative Weekly. Petitioner sought the agency’s opinion as to the applicability of Sections 475.01, 120.545 and 120.74, Florida Statutes, and Rule 61J2-10.030, F.A.C., as it applies to the petitioner. The Commission considered the Petition at a duly-noticed public meeting held December 14, 2010, in Orlando, Florida. The Commission’s Order, filed on January 13, 2011, finds that Petitioner wants to do business as “Rental Search” without “the necessity of obtaining a Florida Real Estate License to do so.” Petitioner sought to obtain a declaratory statement “that the sale of the Landlords Telephone Directory does not require Rental Search to do business under the jurisdiction of the Florida Real Estate Commission. Petitioner must be licensed under Chapter 475, Florida Statutes, to sell this rental information list. The rental information list attached to Petitioner’s Petition for Declaratory Statement does not

comply with Rule 61J2-10.030, F.A.C. For the reasons stated, “Rental Search” is not exempt from the definition of “broker” in Chapter 475, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite #N802, Orlando, Florida 32801.

**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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN THAT FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION has issued an order disposing of the petition for declaratory statement filed by Norman S. Cannella, Sr. on January 27, 2011. The following is a summary of the agency’s disposition of the petition:

1. Paragraph 68B-4.018(2)(b), F.A.C., prohibits the use of breakaway gear during the months of April, May and June in the Boca Grande Pass. Subsection 68B-4.002(1), F.A.C., defines breakaway gear as “any bob, float, weight, lure, or spoon that is affixed to a fishing line or hook with wire, line, rubberbands, plastic ties, or other fasteners designed to break off when a fish is caught.”
2. Petitioner proposes to use a modified jig without a built in hook. The jig would have “a hook...attached to the top of the jig body using a plastic zip tie that can be cut or broken off of the jig body.” The fact that the zip tie can be “cut or broken off” does not mean that the jig head is designed to break off when a fish is caught; thus, this jig would not meet the definition of breakaway gear in subsection 68B-4.002(1), F.A.C. and would not be prohibited by paragraph 68B-4.018(2)(b), F.A.C., under the given facts.
3. The remainder of the description Petitioner includes in his Petition for Declaratory Statement of the design of the jig is not in violation of any of the rules of the Commission.
4. In paragraph 10 of his Petition, Petitioner proposes to use the jig during the months of April, May and June using a technique he describes in detail. Subsection 68B-32.004(2), F.A.C., prohibits “the harvest or attempted harvest of any tarpon in or from state waters by spearing, snagging or snatch hooking.” subsection 68B-32.002(3), F.A.C., defines snagging and snatch hooking as “the intentional catch of a fish by any device intended to impale or hook the fish by any part of its body other than the mouth.” In the petition, Petitioner states that the express intent of the series of actions he will take is to

“ensur[e] the hook point . . . makes contact with the tarpon’s head or body.” Petitioner also asserts that “[i]n most instances, tarpon caught using this technique will be hooked outside of their mouths.” With this stated intent, hooking the tarpon as described would violate subsections 68B-32.004(2) and 68B-32.002(3), F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mr. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**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**