

**INDEPENDENT COLLEGES AND UNIVERSITIES OF FLORIDA**

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 26, 2011, 12:00 Noon – 1:00 p.m.

PLACE: The Offices of: The Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, and by teleconference at (866)578-5716. Conference Code 6813188.

GENERAL SUBJECT MATTER TO BE CONSIDERED: (a) Consideration of a resolution authorizing the issuance of refunding revenue bonds of the Authority in an amount not exceeding \$3,700,000 to fund a loan to Flagler College, Inc. Proceeds of the proposed bonds will be used to refund approximately \$3,689,000 of the Authority’s outstanding \$12,689,000 Educational Facilities Revenue Bonds (Flagler College, Inc. Project), Series 2005. The Series 2005 Bonds were issued to finance the construction of various educational facilities including Cedar Dorm, construction of Ringhaver Student Center, and renovation of Molly Wiley Art Building. The resolution will approve the forms of basic documents, authorize the sale of the bonds to PNC Bank, N.A. as a private placement, and authorize officers of the Authority to take all actions necessary to accomplish the issuance of the bonds. (b) Any other matters that may come before the Authority.

A copy of the agenda may be obtained by contacting: Melissa Armstrong, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

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 5 days before the workshop/meeting by contacting: Melissa Armstrong, (850)681-3188. 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).

For more information, you may contact: Melissa Armstrong, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the

petition for declaratory statement from Wawa, Inc., Docket Number DS 2011-011. The petition seeks the agency’s opinion as to the applicability of Section 561.17 and 561.11, Florida Statutes, as it applies to the petitioner.

The Petitioner requests a declaratory statement inquiring as to the validity of the following business model: Wawa, Inc., a New Jersey corporation authorized to do business in the State of Florida, operates a number of convenience stores and gas stations outside of Florida, and seeks to enter the Florida market in 2012, acquiring several 2-APS licenses in the process. Among Wawa’s shareholders are several multi-party trusts that, as a whole, hold more than a 0.5% interest in the corporation. Wawa requests that DABT declare that trust beneficiaries need not provide personal information or fingerprints in connection with Wawa’s anticipated alcoholic beverage license applications.

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 Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Tantus Tobacco Holdings, LLC, Docket Number DS 2011-025. The petition seeks the agency’s opinion as to the applicability of Section 210.01 and 210.15, Florida Statutes, as it applies to the petitioner.

The Petitioner requests a declaratory statement providing the licensing, registration and reporting obligations required by the State of Florida for the following business model: Tantus Tobacco Holdings, LLC, a Kentucky-based sales and marketing company, currently employs outside sales representatives to distribute advertising materials and, in an effort to stimulate purchases from licensed resident distributors, sell tax paid ‘promotional tobacco products’ to retailers at cost. Sales representatives secure documentation to show taxes paid and no markup in sales price. Tantus seeks to extend this business model into the State of Florida.

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.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Steven Markel, Complete Environmental Solutions on January 12, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 6, of the February 11, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 11, 2011. The petition requested 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. The Board's Order, filed on March 18, 2011, answers the Petition for Declaratory Statement that pursuant to Section 489.105, Florida Statutes, a plumber is required to connect the required sanitary lines for the lift station. Therefore, the Board hereby issues a declaratory statement that a mechanical contractor may not hook up sanitary or sewer lines, but could potentially be allowed to operate as a prime contractor for such a job, provided the requirements to operate as a prime contractor were met pursuant to Chapter 489, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Rowdy Carlton, Eastern Pipeline Construction, Inc. on December 23, 2010. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 3, of the January 21, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 11, 2011. The petition requested 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. The Board's Order, filed on March 18, 2011 answers the Petition for Declaratory Statement. Pursuant to Rule 61G4-15.026, Florida Administrative Code, directional drilling is within the scope of

practice of a gas line specialty contractor. Therefore Petitioner is licensed to perform directional drilling as described in the Petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by John Lohr, The Red Mountain Group on January 6, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 3, of the January 21, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 11, 2011. The petition requested 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. The Board's Order, filed on March 18, 2011 answers the Petition for Declaratory Statement. Pursuant to Rule 61G4-15.034, Florida Administrative Code, a tower specialty contractor is certified to perform work involving the construction, repair, and alteration of an uninhabitable tower. Additions or attachments that do not affect the structural integrity of a tower are not considered an alteration of the tower pursuant to the rule.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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The Board of Professional Engineers hereby gives notice that on February 10, 2011, it received a Petition for Declaratory Statement filed by Juan E. Lapica, S.E., P.E. The petition seeks the Board's interpretation of Sections 471.023(1), 608.4235, 608.4236, 621.04, 621.09(1), (2), 621.14, Florida Statutes, regarding qualifications for certification of business organizations to practice, or offer to practice engineering by licensees, or offering engineering services to the public; who qualifies as an agency member, manager, or managing member of a limited liability company; who qualifies to delegate the rights and powers to manage a limited liability company; exemptions of are permitted to form a corporation or limited liability company and perform personal services to the public

by the means of a corporation or limited liability company and; the limitations on issuance and transfer of ownership of a limited liability company.

Copies of the petition may be obtained from: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268.

NOTICE IS HEREBY GIVEN that the Florida State Boxing Commission has received the petition for declaratory statement from The World Series of Boxing, filed on March 11, 2011. The petition seeks the agency’s opinion as to the applicability of Chapter 548, F.S. and paragraph 61K1-1.001(2)(d), F.A.C., as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Thomas Molloy, Executive Director, The Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1016.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Department of Health has received the petition for declaratory statement from Shands Jacksonville Medical Center, 655 W. Eight Street, Jacksonville, Florida 32209, filed on March 22, 2011. The petition seeks the agency’s opinion as to the applicability of Sections 499.003(54)(b)7., 499.005(21), Florida Statutes, as they apply to the petitioner.

The petition seeks a declaratory statement that the codified exemption from the definition of “wholesale distribution” in Chapter 499, Part I, Florida Statutes (Section 499.003(54)(b)7., F.S.), applies to situations where a prescription drug that has been purchased by a health care entity from a wholesale distributor can be dropped shipped by the wholesale distributor directly to a repackager, repackaged and then transferred to the purchaser health care entity by the repackager.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Gregg Jones, Director, Drugs, Devices and Cosmetics Program, Department of Health, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399.

**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:**

Interblock USA, LLC vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 11-1075RX; Rule No.: 61D-14.041

Kenneth Liszewski, D.M.D. vs. Board of Dentistry; Case No.: 11-1274RX; Rule No.: 64B5-13.005(3)(h)

Ed Crapo, as Property Appraiser of Alachua County, Florida, Ervin A. Higgs, as Property Appraiser of Monroe County, Florida, Timothy “Pete” Smith, as Property Appraiser of Okaloosa County, Florida vs. Lisa Echeverri, Department of Revenue; Case No.: 11-1080RU

Reliance Wholesale, Inc. vs. Department of Health, Drug, Device, and Cosmetic Program; Case No.: 11-1494RU

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

Florida Healthcare Association, Inc., and Floridean Nursing Home, Inc. vs. Department of Elder Affairs; Case No.: 09-6586RP; Rule No.: 58L-1.008; Voluntarily Dismissed

Florida Association of Homes and Services for the Aging, Inc. Vs. Department of Elder Affairs, Office of State Long Term Care Ombudsman; Case No.: 09-6587RP; Rule No.: 58L-1.008; Voluntarily Dismissed

Florida Assisted Living Affiliation, Inc. d/b/a Florida Assisted Living Association vs. Department of Elder Affairs, Office of State Long Term Care Ombudsman; Case No.: 09-6588RP; Rule No.: 58L-1.008; Voluntarily Dismissed

Manatee Education Association and Patricia Barber vs. Manatee County School District and Manatee County School Board; Case No.: 10-9760RP; Dismissed

Esther Strong vs. Department of Children and Families; Case No.: 11-0535RU; The relief requested by Petitioner in its petition filed with DOAH pursuant to Section 120.56(4), Florida Statutes (to wit: an administrative determination that the challenged statements violate Section 120.54(1)(a), Florida Statutes, and an award pursuant to Section 120.595(4), Florida Statutes) is granted.

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**