

PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., Suite 102, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Agenda Items for presentation to the Board of Supervisors, Nursery BMP Lab, MIL Lab, CBO, and District Projects and Reports.

A copy of the agenda may be obtained by contacting: Norma Wilson, (305)242-1288.

For more information, you may contact: Mr. Morgan Levy, Administrator, (305)242-1288.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that The Criminal Justice Standards and Training Commission has received the petition for declaratory statement from Paul Salone through counsel: Steve Bird, Esq., 129 Winterset Dr., Rochester, NY 14625. The petition seeks the agency's opinion as to the applicability of Section 943.13(4), F.S.; Rule 11B-27.007, F.A.C., as it applies to the petitioner.

The petitioner seeks a declaratory statement that the prohibition codified in Section 943.13(4), F.S., and Rule 11B-27.007, F.A.C., forbidding a convicted felon from becoming a certified criminal justice professional in the state of Florida, does not apply to officer candidates who have received a certificate of relief from disabilities issued by court of competent jurisdiction in the State of New York.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

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 declined to rule on the petition for declaratory statement filed by Bottle Club, LLC, Docket Number DS 2011-019 on January 25, 2011. The following is a summary of the agency's declination of the petition:

Petitioner has failed to state with particularity the Petitioner's relevant set of circumstances, as required in Section 120.565(2), Florida Statutes, specifically with regard to the final judgment on alcoholic special use permit #01-1010, the proposed ownership of each license and the proposed hours of operation. Furthermore, Petitioner has failed to specify the statutory provision(s), agency rule(s), or agency order(s) that

Petitioner believes may apply to its set of circumstances, as required in Section 120.565(2), Florida Statutes, and in Rule 28-105.002, Florida Administrative Code. As such, Petitioner has further failed to describe – as required by Rule 28-105.002, Florida Administrative Code – how the aforementioned statutes, rules or orders substantially affect its plan to operate 4-COP and bottle club licenses on the same premises.

A copy of the Order Declining 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: 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 Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Tantus Tobacco Holdings, LLC, for a Declaratory Statement, Docket Number DS 2011-025 on February 26, 2011. The following is a summary of the agency's declination of the petition:

Petitioner has failed to state with particularity the petitioner's set of circumstances for which a declaratory statement is sought as required under Section 120.565(2), F.S. Furthermore, petitioner has failed to specify the statute, rule or order that petitioner believes may apply to Tantus Tobacco Holdings current circumstances.

A copy of the Order Declining 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.

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 Mary A. Smith, CAM, In re: Bay Haven at Coco Bay Condominium Association, Inc., on March 28, 2011. The petition seeks the agency's opinion as to the applicability of Section 720.303(5), Florida Statutes, as it applies to the petitioner.

Whether Coco Bay Community Association, Inc.'s rules regarding access to the homeowners' association records comply with Section 720.303(5), 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Department of Environmental Protection has declined to rule on the petition for declaratory statement filed by Anthony Porcelli on January 13, 2001. The following is a summary of the agency’s declination of the petition:

Mr. Porcelli’s petition attempts to have the Department determine the applicability of a statute over which the Department has no authority. Based on the broad, general nature of the facts alleged, it is also an attempt to obtain a statement of general applicability. The Department does not have statutory authority under the statute given, nor any other statute over which the Department may have authority, to issue a declaratory statement concerning the use of “Roof Mastic” as an “energy device” or to determine whether Coquina’s prohibition against “Roof Mastic” is in violation of Section 163.04, F.S.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Lisa Brown, Legal Assistant to Toni Sturtevant (lisa.l.brown@dep.state.fl.us; (850)245-2276).

Please refer all comments to: Lisa Brown, Legal Assistant.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 12, 2011, the Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Edwin H. Holmes, Jr. The petition seeks the agency’s opinion as to the applicability of Rule 64B3-10.005, F.A.C., as it applies to the petitioner.

Although the petition neglects to reference a statute or rule, it appears the petitioner seeks the Board’s interpretation of Rule 64B3-10.005, F.A.C., concerning the ability for someone certified in molecular pathology to perform certain testing of cultures as listed in the petition.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**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

Notice of Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB11MB-137, JHMHC Replace AHU #9, estimated budget: \$535,000, to be opened May 23, 2011, 1:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL.

SCOPE OF WORK: The work includes the replacement of a central air-handling unit located in the MG-34 mechanical room that provides preconditioned fresh air to building air-handling units.

Mandatory pre-bid meeting will be held: April 28, 2011, 10:00 a.m., Communicore Bldg. Classroom CG-22, Gainesville, FL. The contractor prequalification criteria will be discussed at the pre-bid meeting.