

For more information, you may contact: Ms. Brandy Otero, Associate Project Manager, Growth Management Division at (239)252-5859 or email: brandyotero@colliergov.net.

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 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 Wayne Holt, Unit Owner, In Re: Regency Towers Condominium Association, Inc., on October 6, 2010. The following is a summary of the agency's declination of the petition:

The division has declined to issue a Declaratory Statement because of pending litigation in circuit court regarding the issues raised, and the circuit court has jurisdiction over this matter.

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 Armand Passaretti, In Re: Somerset Condominium Coordinating Committee, Inc., Docket No. 2010059238, on November 19, 2010. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d), Florida Statutes, as it applies to the petitioner.

Whether Somerset Condominium Coordinating Committee, Inc. may adopt alternate election procedures under Section 718.112(2)(d), 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.

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 Robert Scarmazzo, Unit Owner/Vice President, In Re: The Resort at Singer Island, Residential Condominium Association, Inc., on October 21, 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 the division cannot determine rights of third parties who are not parties to the declaratory statement.

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 Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Devon B. Higginbotham on July 30, 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. 36, No. 42, of the October 22, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 10, 2010. The petition requested the Board's interpretation of Section 489.105(3)(c), Florida Statutes, and whether the Petitioner is properly licensed, according to construction industry licensing requirements pursuant to Section 489.105, Florida Statutes, to construct an accessory use structure on a lot that does not have, and will not have a residential structure on it. The Board's Order, filed on December 2, 2010, answers the Petition for

Declaratory Statement in the negative. Residential contractors may not construct an accessory use structure unless it is in connection with a residence as listed in Section 489.105(3)(c), 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, Post Office 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.

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 Podiatric Medicine has received the petition for declaratory statement from Robert G. Smith, DPM. The petition seeks the agency's opinion as to the applicability of Section 461.003(5), F.S., as it applies to the petitioner.

Regarding whether a podiatric physician treating lower extremity wounds may administer tetanus booster shots.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32314-3256.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Fish and Wildlife Conservation Commission has received the petition for declaratory statement from Norman S. Cancellara, Sr. The petition seeks the agency's opinion as to the applicability of Rules 68B-4.018 and 68B-32.004, F.A.C., as it applies to the petitioner.

Petitioner seeks a declaration regarding the applicability of Rules 68B-32.004 and 68B-4.018, F.A.C., to his proposed method of fishing for tarpon within in the Boca Grande Pass.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mark Henderson, Assistant General Counsel, Florida Fish and Wildlife Commission, 620 S. Meridian Street, Tallahassee, Florida, 32399-1600.

Please refer all comments to: Mark Henderson, Assistant General Counsel, Florida Fish and Wildlife Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on December 6, 2010, the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Mark D. Boardman on September 7, 2010. The following is a summary of the agency's disposition of the petition:

Notice of the Petition for Declaratory Statement was published October 15, 2010 in Vol. 36, No. 41 of the Florida Administrative Weekly. The following is a summary of the agency's disposition of the petition: Petitioner, a licensed public adjuster, asks fifteen questions relating either generally or specifically to the adjusting of insurance claims. The Department declined to answer the majority of the questions as being inappropriate questions to be addressed in a declaratory statement, including questions concerning the conduct of others such as building contractors and insurance company employee adjusters, questions relating to the interpretation of a statute – the constitutionality of which is currently on appeal, and questions requesting the meaning of undefined words or phrases in statutes and rules that are not tied to the petitioner's particular set of circumstances. The declaratory statement does advise the petitioner that the words "licensed insurance representative" as used in Rule 69B-220.201, Florida Administrative Code, includes company employee adjusters, independent adjusters and public adjusters. The declaratory statement further advises petitioner that, as a licensed public adjuster, he is required by the rule to report to the Department violations of the rule or insurance code by any licensed insurance representative, but he is not required by the rule or the Florida Insurance Code to report the suspected violation of a contractor to another entity.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Heather Lewis, Division of Legal Services, Room 624.2, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

**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:

Jesse Toca vs. Department of Revenue; Case No.: 10-9935RX; Rule No.: 12D-7.001(4)

Plantation Nursing and Rehabilitation Center vs. Agency for Health Care Administration; Case No.: 10-10313RX; Rule No.: 59A-4.1295(7)(e)