

licensed optician can oversee a trained person and allow him or her to fit or dispense any lenses, spectacles, eyeglasses or other optical devices.

The Board declines to issue a declaratory statement because Section 484.011, Florida Statutes, is clear regarding these questions.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Gale A. Eriksson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008.

The Board's Order, filed on November 25, 2008, denies the Petition for Variance or Waiver of subsection 64B12-9.017(1), Florida Administrative Code. The Board finds that the Petitioner has not established that the purpose of the underlying statute, Section 484.007(1)(d)3., Florida Statutes, would be met were she granted a variance or waiver from subsection 64B12-9.017(1), Florida Administrative Code. Further, the Petitioner failed to establish that the Board's application of subsection 64B12-9.017(1), Florida Administrative Code, to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on January 8, 2009, the Board of Pharmacy has received the petition for declaratory statement from Timothy Weathers on behalf of Unique Pharmaceuticals. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.700, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, concerning the practice of compounding.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has received the petition for declaratory statement from Amanda J. Green, Assistant City Attorney for City of Orlando and John Miller, Deputy Chief for

Orlando Fire Department on January 9, 2009. The petition seeks the agency's opinion as to the applicability of Section 401.281(1)(d), Florida Statutes, as it applies to the petitioner.

Petitioner is asking whether a driver who accepts a plea of non-alcohol related reckless driving with adjudication of guilt withheld may still operate an emergency vehicle for the next three years.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

Please refer all comments to: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Mr. Clyde Lightbourn on August 13, 2008. The following is a summary of the agency's disposition of the petition:

The petition seeks the agency's opinion as to the applicability of paragraph 69B-220.201(5)(b), F.A.C., as it applies to the Petitioner. The Declaratory Statement concludes the above-referenced rule provision does apply to the facts presented in the Petition, as the rule was promulgated prior to the execution of the fee agreement. Thus, the rule provision would not be deemed to have an impermissible retroactive application to this specific fact situation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mechele R. McBride, Assistant General Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 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:

NONE