

## FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received the petition for declaratory statement from We the People, Inc. of the United States. The petition seeks the agency's opinion as to the applicability of Section 120.565, Florida Statutes as it applies to the petitioner.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a request for a Declaratory Statement on October 11, 2010, from We The People, Inc., of the United States, a public charity approved by the Internal Revenue Code as a section 501(c)(3) tax-exempt organization, regarding the application of Sections 517.02(21), 517.07 and 517.12, Florida Statutes, to the We the People's proposed "Charitable Installment Bargain Sale Application and Agreement." The request has been assigned the No. 0546-S-10/10.

A copy of the request may be obtained by writing: Alan Jackson, Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 660K, Tallahassee, Florida 32399-0379.

## 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:**

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6)

Conservancy of Southwest Florida and Ralk Brookes vs. South Florida Water Management District; Case No.: 10-8898RX; Rule No.: 40E-20.091

Broward Children's Center, Inc. vs. Agency for Health Care Administration; Case No.: 10-9517RP; Rule No.: 59A-4.1295

New Hope Sugar Company and Okeelanta vs. Department of Environmental Protection; Case No.: 10-9518RP; Rule No.: 62-302.540

United States Sugar Corporation vs. Department of Environmental Protection; Case No.: 10-9519RP; Rule No.: 62-302.540

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6)

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006

Eva Etienne vs. Department of Children and Family Services; Case No.: 10-9516RP; Rule No.: 65A-1.205(1)

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

Macla Ltd., II, Limited Partnership, H. Joseph Hughes, as Trustee of the Betty Price Hughes Qualified Vacation Residence Trust, and Kershaw Manufacturing Company, Inc. vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 10-8197RU

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

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6); Voluntarily Dismissed

Bernadette Rodriguez vs. Department of Corrections; Case No.: 10-5866RP; Rule No.: 33-501.301(7)(a); Dismissed

Anheuser-Busch, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 06-4772RX; Rule No.: 61A-1.010(1); Voluntarily Dismissed

Barbara M. Blanco vs. Department of Business and Professional Regulation, Regulatory Council of Community Association Managers; Case No.: 10-2905RX; Rule No.: 61E14-2.001(5); Invalid

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6); Voluntarily Dismissed

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006; Withdrawal

Nicole Nicodemo vs. Department of Health, Board of Physical Therapy; Case No.: 10-5136RX; Rule No.: 64B17-3.001(4)(j); Dismissed

Elmwood Terrace Limited Partnership vs. Florida Housing Finance Corporation; Case No.: 10-2799RX; Rule No.: 67-48.0072(10); Dismissed

Luis B. Jaramillo, Jr. vs. Department of Financial Services; Case No.: 10-1139RX; Rule No.: 69B-211.042(7)(b)1.; Dismissed

Florida Association of Public Insurance Adjusters, Inc., A Florida Corporation; Mark Dimmit Boardman, an Individual; and Kimberly S. Pope, an Individual vs. Department of Financial Services, Division of Insurance Agents and Agency Services; Case No.: 10-6141RP; Rule Nos.: 69B-220.051, 69B-220.201; Withdrawal

Moshe Leib vs. Hillsborough County Public Transportation Commission a Legislatively Created Independent Special District of the State of Florida; Case No.: 10-5714RX; Dismissed

Bay Point Schools, Inc. vs. Department of Juvenile Justice; Case No.: 10-1125RU: Voluntarily Dismissed

N.W. and the Advocacy Center for Persons with Disabilities, Inc. vs. Department of Education, Division of Vocational Rehabilitation; Case No.: 10-4980RU; Voluntarily Dismissed

V. S. by Next of Friend G. S. and D. L. J., by Next of Friend S. C. vs. Agency for Persons with Disabilities; Case No.: 09-2511RU; Dismissed

FFVA Mutual Insurance Company vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 09-4193RU; Dismissed

## 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 TO DESIGN/BUILDER:

The University of Florida Board of Trustees and University Athletic Association announce that Design/Build services will be required for the project listed below:

Project: UAA-25: Stadium Concourse Renovation, Gainesville, Florida

The project focuses on the Stadium concourse. Included in the scope are the West, East and South Concourses on both the main and upper levels plus adjacent Restrooms and Concessions. But, the project will be in phases depending on funding availability. The design scope for this phase will include west stadium concourse, and it is aimed at improving the Stadium functionality and image for both game day and non-game day use. The primary goals are as follows:

1. Update finishes for a consistent and clean appearance.
2. Reduce visual clutter especially overhead mechanical and electrical utilities.
3. Improve crowd flow.
4. Improve the functionality of Concessions for users and vendors.
5. Create exciting spaces for game day as non-game day visitors.

The total project budget is projected at \$18M. The first phase, West Concourse renovation is budgeted at \$7M including site improvement, fees, survey existing conditions, testing, and contingencies. Should additional funding become available, the project scope would be increased for additional phases. Construction for this phase shall be "fast-tracked" to begin by January 2, 2011 and completed by August 1, 2011. Based on the project scope, the appropriate LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council will be utilized.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal may be based on 60% Construction Documents pending the strength and experience of the D/B team, for which the design/builder will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or