

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that The Board of Medicine has received the petition for declaratory statement from Welplex, Inc., filed on September 11, 2006. The petition seeks the agency’s opinion as to the applicability of Section 456.054, Florida Statutes, as it applies to the petitioner.

Specifically, the Petitioner plans to develop relationships with independent physicians who would perform ECGs on their patients who would be candidates for Welplex’s Smoking Cessation Treatment. The Board will consider this petition at its meeting scheduled for October 7, 2006, in Tampa, Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that on September 8, 2006, the State of Florida, Office of Financial Regulation received a petition for declaratory statement from SFTF, LLC d/b/a Ashley Furniture HomeStore (“Ashley”) that was filed pursuant to Section 120.565, Florida Statutes. The petition has requested a declaratory statement regarding whether, and to what extent, Ashley may, under the facts presented, charge its customers a fee in connection with the services it performs in establishing credit accounts on behalf of third-party finance companies that extend credit to customers purchasing home furnishings from Ashley. Ashley requests confirmation that, with respect to the transactions described in the Petition, the Retail Installment Sales Act does not apply, the limitations contained in Section 516.031(3)(a), Florida Statutes, do not apply to Ashley, and Ashley may charge its customers a fee for the services it performs as described above.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: the Office of Financial Regulation, Office of the General Counsel, 200 E. Gaines Street, Fletcher Building, Room #526, Tallahassee, Florida 32399-0379. Requests for copies or inspection should be addressed to: Mr. William Oglo, Esq., Assistant General Counsel, at the above listed address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may intervene in this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene shall conform with subsection 28-106.201(2), or Rule 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule and/or that the intervenor has substantial interests that are subject to

determination or will be affected by the agency’s actions during the proceedings. Original petitions and two copies must be filed at least twenty (20) days before the final hearing and shall be filed with: the Agency Clerk, Office of Financial Regulation, 200 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0379.

**FAILURE TO FILE A TIMELY REQUEST FOR HEARING AT LEAST TWENTY (20) DAYS BEFORE THE FINAL HEARING SHALL CONSTITUTE A WAIVER OF THAT PERSON’S RIGHT TO REQUEST A HEARING ON ANY MATTER REGARDING THE PETITION FOR DECLARATORY STATEMENT AND THE OFFICE OF FINANCIAL REGULATION WILL ISSUE ITS DECLARATORY STATEMENT BASED ON THE FACTS AND CIRCUMSTANCES THAT ARE SET FORTH IN THE PETITION FOR A DECLARATORY STATEMENT.**

The following statutory chapters and rule chapters directly govern the proceedings the Office of Financial Regulation: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of any substantially affected persons, the Office of Financial Regulation will not settle or otherwise reach a final resolution of these matters until such time when thirty (30) days from the date of this publication have passed.

**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**