

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Ken Norton, on behalf of Power Design, Inc., on September 19, 2008. Petitioner seeks clarification of the requirements of Rule 9B-3.0472, Florida Administrative Code, for carbon monoxide detectors as to high density or high rise residential buildings with attached garages and/or fossil fueled appliances. It has been assigned the number DCA08-DEC-275. A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

#### 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 issued an order disposing of the petition for declaratory statement filed by Richard Hoffman, President of de la Bahia Condominium Association, Inc., Docket No. 2008046156 on August 19, 2008. The following is a summary of the agency's disposition of the petition: Ordered that de la Bahia Condominium Association, Inc., must conduct a vote to readopt or reaffirm its present bylaw staggering the terms of directors every two years under the amendment to Section 718.112(2)(d)1., Florida Statutes, adopted by Chapter 2008-28, Section 7, Laws of Florida.

A copy of the Order Disposing 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 Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Sea Fields Club, Inc.; Docket No. 2008024082 on April 21, 2008. The following is a summary of the agency's disposition of the petition: Ordered that if Sea Fields Club, Inc., a Florida cooperative, amends its governing documents to define the cost of insuring the items inside the unit as a common expense, then the insurance will be a common expense under Section 719.107(1)(a), Florida Statutes.

A copy of the Order Disposing 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 Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner IGT, Inc., on September 10, 2008, in DBPR Case No. 2008050762 (DS 2008-066). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it applies to the petitioner.

The Petitioner seeks a determination of compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it relates to a slot machine that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of Blackjack and displays winning and losing outcomes using the same computer and processing technology as that employed in slot machine equipment approved for play in the State pursuant to Chapter 551, F.S., and Chapter 61D-14, F.A.C. Subsection 61D-14.022(2), F.A.C., specifically prohibits the use of a slot machine game if that game operates a program of play that replicates a game which is prohibited under Section 849.08, F.S., unless the slot machine game contains a player skill component and is not based on a banking game.

Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner IGT, Inc., on September 10, 2008, in DBPR Case No. 2008050490 (DS 2008-067). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it applies to the petitioner.

The Petitioner seeks a determination of compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it relates to a slot machine that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of Keno and displays winning and losing outcomes using the same computer and processing technology as that employed in slot machine equipment approved for play in the State pursuant to Chapter 551, F.S., and Chapter 61D-14, F.A.C. Subsection 61D-14.022(2), F.A.C., specifically prohibits the use of a slot machine game if that game operates a program of play that replicates a game which is prohibited under Section 849.08, F.S., unless the slot machine game contains a player skill component and is not based on a banking game.

Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner IGT, Inc., on September 11, 2008, in DBPR Case No. 2008050809 (DS 2008-068). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it applies to the petitioner.

The Petitioner seeks a determination of compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it relates to a slot machine that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of

blackjack. Petitioner calls "Digital 21 Blackjack" ("D21"), which machine displays winning and losing outcomes using the same computer and processing technology as that employed in slot machine equipment approved for play in the State pursuant to Chapter 551, F.S., and Chapter 61D-14, F.A.C. Subsection 61D-14.022(2), F.A.C., specifically prohibits the use of a slot machine game if that game operates a program of play that replicates a game which is prohibited under Section 849.08, F.S., unless the slot machine game contains a player skill component and is not based on a banking game.

Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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#### **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."

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Larry E. McDonald, on or about September 22, 2008. The petition seeks the agency's opinion as to the applicability of Florida Fire Prevention Code 2004 Ed., including NFPA 1, NFPA 101 as it applies to the petitioner.

Petitioner poses these questions regarding a permit application his company submitted for a new business Non-Required fire alarm system in a separated tenant space in a single story building in Pasco County. If the occupancy Chapter of NFPA 101, or any other section of Statute or Code, makes no specific requirement for Annunciation for a Fire Alarm System, is it within the authority of the AHJ to require Annunciation, or specific degrees of annunciation, such as an "Addressable System?" If there is no requirement for Annunciation for the occupancy, is there any part of the Code that would require Supervising Station annunciation of each initiating device (such as with "Contact ID")?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax: (850)922-1235 or (850) 488-0697 (please advise if you would

like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

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## 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:**

Florida Outdoor Advertising Association vs. Department of Transportation; Case No.: 08-4572RP; Rule No.: 14-10.0043

Retail Beverage Council of the Florida Retail Federation; Wine and Spirits Distributors of Florida, Inc.; and Beer Industry of Florida, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4618RP; Rule Nos.: 61A-1.0105, 61A-1.01010, 61A-1.01011, 61A-1.01012, 61A-1.0108, 61A-1.01022

Anheuser-Busch, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4784RP; Rule No.: 61A-1.0109

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4670RX; Rule Nos.: 61A-1.01016, 61A-1.01017, 61A-1.01019, 61A-1.01023

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4751RP; Rule Nos.: 61A-1.0109, 61A-1.0105, 61A-1.0108, 61A-1.01010, 61A-1.01011, 61A-1.01012

Hamid Bagloo, M.D. vs. Agency for Health Care Administration; Case No.: 08-4288RU

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

Center for Education Advocacy, Inc., Rosemary N. Palmer and Donna Lorman vs. State Board of Education and Department of Education; Case No.: 08-3496RP; Rule Nos.: 6A-6.03028, 6A-6.03311, 6A-6.03312, 6A-6.03411; Dismissed

William Lane vs. Department of Law Enforcement; Case No.: 07-4495RX; Rule Nos.: 11D-8.011, 11D-8.012, 11D-8.013, 11D-8.014, Dismissed

Promise Healthcare, Inc. and Select Specialty Hospital-Orlando, Inc. (Intervenors) vs. Agency Health Care Administration; Case No.: 07-3403RP; Rule No.: 59C-1.002; Invalid

Select Specialty Hospital Orlando, Inc. vs. Agency for Health Care Administration; Case No.: 07-3404RP; Rule No.: 59C-1.002; Invalid

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4751RP; Rule Nos.: 61A-1.0109, 61A-1.0105, 61A-1.0108, 61A-1.01010, 61A-1.01011, 61A-1.01012; Dismissed

Atlantic Housing Partners, LLP vs. Florida Housing Finance Corporation; Case No.: 08-3894RP; Rule Nos.: 67-21.003, 67-48.004, Voluntarily Dismissed

The Florida Insurance Council, Inc.; The American Insurance Association; Property Casualty Insurers Association of America; and National Association of Mutual Insurance Companies vs. Department of Financial Services and Financial Services Commission, Office of Insurance Regulation; Case No.: 07-3705RP; Rule Nos.: 69O-125.005, 69O-125.006; Dismissed

Life Insurance Settlement Association vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 08-1645RP; Rule No.: 69O-204.101; Invalid

Schwab Materials, Inc. vs. Department of Financial Services and Lee County, Florida (Intervenor); Case No.: 08-0538RU, Dismissed

Florida Association for Child Care Management, Inc. vs. Early Learning Coalition of Duval and Agency for Workforce Innovation; Case No.: 08-1717RU; Dismissed

Orange County, Florida vs. South Florida Water Management District; Case No.: 08-2624RU; Voluntarily Dismissed

Hamid Bagloo, M.D. vs. Agency for Health Care Administration; Case No.: 08-4288RU; Voluntarily Dismissed