

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received the petition for declaratory statement from Anthony Martin and Long Life Home Care, Inc. The petition seeks the agency's opinion as to the applicability of Sections 400.476(1) and 408.803(7), Florida Statutes (2008) as it applies to the petitioner.

Petitioners, including controlling interests and a licensed home health agency, are petitioning statutory Sections 400.476(1) and 408.803(7), Florida Statutes (2008).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, (850)922-5873.

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 received the petition for declaratory statement from M. A. (Allie) Fraidowitz, Director, In Re: Arielle on Palmer Ranch Condominium Association, Inc., Docket No. 2009020790, dated April 3, 2009. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

Whether article 4.1 of the bylaws of Arielle on Palmer Ranch Condominium Association, Inc. assign two-year seats to the directors who assumed their seats because they ran unopposed or go to the directors who were elected by a majority vote.

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 32399-1031.

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 Stephen W. Thompson, Esq. for Villa di Lancia Condominium Association, Inc., Docket No. 2009021626 on April 21, 2009. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

Whether Villa di Lancia Condominium Association, Inc. may adopt a rule prohibiting pets where the restriction on pets in the declaration has not been consistently interpreted and applied by successive boards.

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 32399-1031.

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.

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

The Board of Dentistry hereby gives notice that on April 23, 2009, it received a Petition for Declaratory Statement filed on behalf of Lyle E. Hotchkiss, D.D.S. The petition seeks the Board's interpretation of Section 466.028(1)(u), F.S., which requires dental facilities to maintain reasonable sanitary conditions. The Petitioner seeks the Board's interpretation of whether it is a violation for him to utilize a certified therapy dog in a dental office setting.

Copies of the petition may be obtained from: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin C08, Tallahassee, FL 32399-3258.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Insurance Regulation has issued an order disposing of the petition for declaratory statement filed by EliteHealth.MD, LLC., on February 6, 2009. The following is a summary of the agency's disposition of the petition:

The petition was granted. The Office determined that the operation that EliteHealth.MD, LLC. described in its petition falls within the purview of the Prepaid Health Clinic Act, and the EliteHealth.MD, LLC., is offering basic services as described in Section 641.40, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Amanda Parnell, Esq., at: Amanda.Parnell@flair.com.

**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:

Lulac Florida Corp., on Behalf of Itself and Its Members vs. Department of Education; Case No.: 09-16515RP; Rule No.: 6A-6.0905

Lulac Florida Corp, Inc. vs. Department of Education; Case No.: 09-1614RP; Rule No.: 6A-6.0907

Parent Leadership Council of Orange County School District vs. Department of Education; Case No.: 09-1616RP; Rule Nos.: 6A-6.0900-.0909

Hope Hospice and Community Services, Inc.; Hospice of Lake and Sumter, Inc., d/b/a Cornerstone Hospice and Palliative Care; Good Sheperd Hospice, Inc.; and Lifepath Hospice, Inc. vs. Agency for Health Care Administration; Case No.: 09-1793RP; Rule No.: 59C-1.0355(4)(a)

Brooklyn Luncheonette, LLC, d/b/a Del Tura Pub and Restaurant vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 09-1973RX; Rule No.: 61A-3.0141(1) and (2)

Karla Pittman vs. Dr. Eric J. Smith, as Commissioner of Education; Case No.: 09-1557RU

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

Historic Shipwreck Salvage Policy Council; Shipwreck Exploration and Salvage Policy Council; Jupiter Wreck, Inc.; Amelia Research and Recovery, LLC; Mel Fisher Center, Inc.; and Motivation, Inc. vs. Florida Division of Historical Resources; Case No.: 08-5454RP; Chapter No.: 1A-31; Dismissed

Parent Leadership Council of Orange County School District vs. Department of Education; Case No.: 09-1616RP; Rule Nos.: 6A-6.0900-.0909; Voluntarily Dismissed

Samuel T. Adams vs. Florida Fish and Wildlife Conservation Commission; Case No.: 08-2646RX; Rule Nos.: 68A-1.004(5), 68A-15.063, 68A-17.005; Voluntarily Dismissed

Institutional Life Services (Florida), LLC, and David Matthew Janecek vs. Financial Service Commission and Office of Insurance Regulation; Case No.: 09-0385RP; Rule No.: 69O-204.040; Invalid

Karla Pittman vs. Dr. Eric J. Smith, as Commissioner of Education; Case No.: 09-1557RU; Withdrawal

The Lee Charter Foundation, Inc. vs. Department of Education; Case No.: 08-2673RU; Voluntarily Dismissed

Ronald G. Davis, M.D. and Pediatric Neurology vs. Agency for Health Care Administration; Case No.: 08-3261RU; 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