

Declaratory Statement, Alfred J. Venclik and Mary A. Venclik, Unit Owners, Schooner Bay Condominiums of North Ft. Myers, Inc., Docket # 2003085504.

It is ORDERED that the limited proxy, which provided unit owners the option of partially funding reserves or opposing funding of reserves, did not comply with Sections 718.112(2)(b)2. and (f)2., Florida Statutes, and subsection 61B-22.005(6), Florida Administrative Code, because it did not give the unit owners clear options; however, it is within the association's business judgment whether to offer unit owners a vote, and if a vote is taken, to offer only partial funding, or full waiver, or both options under Section 718.112(2)(f)2., Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Insurance Regulation has received a petition for a declaratory statement from David S. Kahn, Administrator, on behalf of Capital Health Plan Single Life Small Group # S1969. The petition seeks the agency's opinion as to the applicability of certain provisions of Sections 120.569, 120.57 and 627.6699, Florida Statutes, as they apply to the petitioner.

A copy of the petition may be obtained by contacting: S. Marc Herskovitz, Esquire, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, (850)413-4122.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Stephanie Murray, Fire Inspector Supervisor, on March 1, 2004. The following is a summary of the agency's disposition of the petition:

Question: Is it the intent of sub-subparagraph 69A-58.008(9)(t)2.i., Florida Administrative Code, to require all stages to have standpipes?

Response: Standpipes are only required on stages over 1,000 square feet in accordance with NFPA 101, Section 13.4.5.12, as adopted in Rule 69A-60.004, Florida Administrative Code, and included in Rule Chapter 69A-58 by operation of Rule 68A-58.010, Florida Administrative Code.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

**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

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE