

A copy of the Petition for Declaratory Statement, Docket Number 2005030000, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, 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 Land Sales, Condominiums 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 Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Dennis and Karen Roske, Petitioners, Moonlight Bay Condominium Association, Inc., Docket Number 2005021696.

The Petition for Declaratory Statement is denied because the declaration is unclear as to whether the lanai wall is an exterior wall or interior unit wall and the Division cannot interpret ambiguous terms in declarations of condominiums.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2005021696, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, (hereinafter "Division") received a Petition and an Amended Petition for a Declaratory Statement from Florida Gaming Centers, Inc., d/b/a Ft. Pierce Jai-Alai (hereinafter "Petitioner"), in DBPR Case No. DS 2005-016. The Amended Petition lists Section 550.01215(4), Florida Statutes, as the statutory provision upon which a Declaratory Statement is being sought. The Petition further requests the Division to advise as to whether: the Division can waive the live jai-alai requirement for ITW and Simulcast wagering due to Petitioner being unable to operate any live jai-alai during the 2004-2005 fiscal year due to the impact of Hurricanes Frances and Jeanne.

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 Financial Regulation has issued an order that disposes of the petition for declaratory statement that was filed on November 24, 2004, by Alan W. Legatz. The petition sought the Office's opinion as to whether the Securities and Investor Protection Act (Chapter 517, Florida Statutes) applies to two business transactions proposed by petitioner. The first transaction involved the marketing and sale of tenancy-in-common interests in undeveloped real property. The second transaction involved the marketing and sale of tenancy-in-common interests in income-generating real property, such as real property containing a commercial building subject to a net lease. Petitioner structured both of the transactions in accordance with the requirements of Revenue Procedure 2002-22.

The Office determined that the first proposed transaction, involving the sale of tenancy-in-common interests in undeveloped real property, would not constitute the sale of a security. The Office determined that the second proposed transaction, involving the sale of tenancy-in-common interests in income-generating real property, would constitute the sale of a security subject to regulation by Chapter 517, Florida Statutes.

A copy of the order may be obtained from: William Oglo, Assistant General Counsel, Office of Financial Regulation, Office of General Counsel, Fletcher Building, 200 East Gaines Street, 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:

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