

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services hereby gives notice that it has received a Petition for Declaratory Statement from Government Payment Services, Inc. The Petitioner seeks confirmation from the Department that the particular functions and activities of Government Payment Services, Inc. in providing certain services do not constitute the functions and activities of a bail bond agent and that no license is required under Chapter 648, F.S. GPS provides a credit card processing service for both governmental agencies and businesses, including processing requested credit card transactions from persons who wish to use their credit card accounts to pay a monetary bail in order to obtain their release from jail.

Copies of the petition may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services, Room 612, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0300, (850)413-4236.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Rocky Sneed on March 7, 2005. The following is a summary of the agency's disposition of the petition:

- A. Question: Which code takes precedence, the Florida Building Code, Chapter 11-4.28, requiring 75 minimum candela fire alarm system strobe lights, or the Florida Fire Prevention Code which follows NFPA 72 requirements and allows multi-candela ratings?
- B. Response: Pursuant to Section 553.73, Florida Statutes, the State Fire Marshal has conferred with the Florida Building Commission and both agree that, in response to the question in Paragraph 5.A., the code that offers the greatest degree of lifesafety on this specific set of facts is the Florida Building Code, which requires higher candela ratings for fire alarm strobes. Additionally, Chapter 11 of the Florida Building Code is the Florida Accessibility Code for Building Construction which is established in the Florida Disabilities Act and may only be amended as provided in Part II, Chapter 553, Florida Statutes.

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:

Progressive American Insurance Company vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 05-3137RU

Progressive Auto Pro Insurance Company vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 05-3138RU

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

Act Corporation vs. Agency for Health Care Administration; Case No.: 05-2950RU; Voluntary Withdrawal

Pinellas County vs. Department of Environmental Protection and St. Johns River Water Management District; Case No.: 03-0878RP; Rule No.: 62-40; Voluntary Withdrawal

Dr. Paul Zimmerman, Dr. John W. Uribe, John Livoti, Jonathan D. Nitkin, Angela Daley, Helen Esterline and Edna Buchanan vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 05-2091RU; 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