

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Leonard Devine, on behalf of the Palm Beach County Building Department (Petitioner) on June 5, 2007. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA07-DEC-105.

The Commission determined that an office that is enclosed by ceiling height partitions within an 11,000 square foot office building is considered a "space," and that the building is required by section 13-415.1.ABC.1.2, Florida Building Code, Building Volume (2004, as amended 12/06) to have manual or automatic lighting controls with an individual override for each space. Using only two overrides per floor would not be acceptable in lieu of having at least one override control in each space.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### 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."

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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 Altamira at North Hutchinson Island Condominium Association, Inc.; Docket No. 2007042090 on July 23, 2007. The following is a summary of the agency's disposition of the petition:

The Division ordered that if the Association amends the declaration to change the allocation of common expenses for limited common elements with an excess of two-thirds vote pursuant to the amendment provisions of its declaration, it may combine the reserve funds under Section 718.112(2)(f), 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 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.

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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 declined to rule on the petition for declaratory statement filed by Emerald Pointe At Bay Isles Condominium Association, Inc.; Docket Number: 2007040083 on July 12, 2007. The following is a summary of the agency's declination of the petition:

The Division may not interpret the merger or dissolution provisions of the Condominium Act or corporate law to declare the vote required for unit owners in a condominium managed by a multicondominium association to separate and form their own association; this is a matter for the courts.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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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 Galt Mile Apartments, Inc., d/b/a Coral Ridge Towers; Docket No. 2007043749 on July 30, 2007. The following is a summary of the agency's disposition of the petition:

The Division ordered that Galt Mile may properly amend the terms and provisions of the occupancy agreement under Section 719.1055(4)(a), Florida Statutes, with a vote of not less than two thirds of the unit owners.

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 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.

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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 received the petition for declaratory statement from Denise and Jerry Tremblay, In Re: Lakeside of Charlotte Condominium Association, Inc. Docket No.: 2007056280. The petition seeks the agency's opinion as to the applicability of Sections 718.111(11) and 718.115, Florida Statutes, as it applies to the petitioner.

Whether Sections 718.111(11) and 718.115, Florida Statutes, require Lakeside of Charlotte County Condominium Association, Inc. to use insurance proceeds to reimburse Denise and Jerry Tremblay, unit owners, the money they spent repairing hurricane damage to their unit.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division 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.

#### 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 Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Scott H. Plantz, M.D., on October 10, 2007. The Petitioner, an emergency room physician, seeks the Board's opinion as to whether the writing of a prescription for one non-scheduled pill; for multiple non-scheduled medications, to be dispensed directly to the Petitioner for the sole purpose of the First Defender XL would constitute a violation of Section 456.072(1)(gg), 458.331(1)(q) or (r), Florida Statutes, as set forth in the Petition. The Board will consider this petition at its meeting scheduled for December 1, 2007, in Orlando, Florida. Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by Craig A. Waltzer on behalf of Aventura Holdings, Inc. on July 17, 2007. The following is a summary of the agency's disposition of the petition.

The Office denied the Petition for Declaratory Statement because the Petition was ambiguous as to which statutory provision was to be applied to Petitioner's circumstances, sought an opinion determining the conduct of other persons, involved facts related to pending litigation, and cited to facts that were premised upon past events.

A copy of the Denial of Petition for Declaratory Statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, FL 32399-0379.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a request for a Declaratory Statement on July 16, 2007, from Floridian Community Bank, Inc. and Joanne P. Gaines ("Petitioners"), regarding the continuing application of a condition of approval contained in the 2002 Final Order of Approval entered with regard to the organization of Floridian Community Bank, Inc. The Office of Financial Regulation issued a Final Order and Declaratory Statement on October 11, 2007 stating that the condition challenged will remain in effect and Joanne P. Gaines shall not serve as a director or executive officer of Floridian Community Bank, Inc. The request has been assigned the number 0443-B-7/07.

A copy of the Petition for Declaratory Statement, and the agency's Declaratory Statement and Final Order may be obtained by writing: Steven S. Ferst, Assistant General Counsel, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 526, 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**