

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Omelio or Laura at (561)683-2285, ext. 3. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura at (561)683-2285, ext. 3.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited.

**DATES AND TIME:** September 4-5, 2008, TBA

**PLACE:** York Offices, Sanlando Center, 2170 State Road 434, Longwood, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review Servicing Provider performance in claim handling and any other matters that may come before the committee.

A copy of the agenda may be obtained by contacting: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, September 12, 2008, 10:00 a.m.

**PLACE:** Hyatt Hotel-Orlando International Airport, Orlando, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly Board of Directors meeting to review and discuss budgets, programs, and projects; affecting operation of the FL Sports Foundation.

A copy of the agenda may be obtained by contacting: www.info@flasports.com.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Anthony C. Apfelbeck, Fire Marshal/Building Official, City of Altamonte Springs, on July 18, 2008, regarding whether Rule 9B-3.0472, F.A.C., applies to alterations and additions on existing structures, and if so, whether it requires the installation of carbon monoxide detectors in the complete existing structure, or just in the addition or altered area, and whether the detectors must be hard-wired with a battery back up. The petitioner also seeks clarification of the rule's application to repairs and changes in occupancy. It has been assigned the number DCA08-DEC-207.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Tom Hardiman, Executive Director, Modular Building Institute, on July 21, 2008, and subsequently amended on July 24, 2008. Petitioner seeks clarification of whether the execution date of a contract may be used for the purpose of determining which version of the code applies to a manufactured building under Section 105.3, Florida Building Code, Building Volume (2004 as amended) where a company has a fully executed contract for projects with previously approved building plans but for which construction is anticipated to occur after the implementation of the 2007 Florida Building Code. If it may, Petitioner asks how long can the manufacturer may construct buildings under that contract. It has been assigned the number DCA08-DEC-209.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Luke Ismert, Sales Manager, on behalf of Schier Products, on July 18, 2008, regarding whether Section 1003.3.4, Florida Building Code, Plumbing Volume (2004 as amended) allows the use in public sewer systems of grease interceptors that are less than 750 gallons in liquid capacity, conform to PDI G101/ASME A112.14.3, and have a grease

retention capacity that is at least equal to or greater than a 750 pre-cast interceptor. It has been assigned the number DCA08-DEC-208.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Jason Padgett, on behalf of Millwork Information and Training, on July 28, 2008, regarding whether a product whose Certification Agency Certificate has expired is still approved for use in the State of Florida if the manufacturer has not changed how the product is produced. It has been assigned the number DCA08-DEC-212.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Joseph Valencia, on behalf of Zyscovich Architects, on July 21, 2008, regarding whether the portion of the stage floor on the audience side of the proscenium wall, known as the "thrust," should be included when calculating the floor area of a stage, as defined in Section 410.2, Florida Building Code, Building Volume (2004 as amended). It has been assigned the number DCA08-DEC-210.

A copy of the request may be obtained by writing to: 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 declined to rule on the petition for declaratory statement filed by Clarcona Resort Condominium Association, Inc., Docket No.: 2008029536 on May 16, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the petition sought an advisory opinion based on hypothetical questions and concerns acts that have already occurred.

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 Condominiums, Timeshares, 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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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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 Lake Howell Arms Condominium Association, Inc., Docket No. 2008035277. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether Section 718.113(2)(a), Florida Statutes, preclude Lake Howell Arms Condominium Association, Inc. from requiring a unit owner to remove an unauthorized garage enclosure and preclude it from denying other owners' requests to make material alterations to the common elements where similar changes have previously been made.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, 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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner BALLY TECHNOLOGIES, on July 22, 2008, in DBPR Case No. 2008041076 (DS 2008-051). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it applies to the petitioner.

The Petitioner seeks a determination of compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it relates to a slot machine that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of Keno, and displays winning and losing outcomes using the same computer and processing technology as that employed in

slot machine equipment approved for play in the State pursuant to Chapter 551, F.S., and Chapter 61D-14, F.A.C., subsection 61D-14.022(2), F.A.C., specifically prohibits the use of a slot machine game if that game operates a program of play that replicates a game that is prohibited under Section 849.08, F.S., unless the slot machine game contains a player skill component and is not based on a banking game. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)921-0342.

**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**

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Johanna M. Thompson, RN. The petition seeks the agency's opinion as to the applicability of Florida Statutes as it applies to the petitioner.

Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining whether it is within the statutory limits of scope of practice for a Registered Nurse to administer a cardiac stress test in a hospital setting when a supervising physician is physically present in the hospital, but may or may not be in the stress lab. This petition will be considered at the October 2008 meeting of the Board.

NOTICE IS HEREBY GIVEN THAT on July 22, 2008, the Board of Pharmacy has received the petition for declaratory statement from Samuel Jones III, Pharm.D. The petition seeks the agency's opinion as to the applicability of Rules 64B16-27.700, 64B16-27.400 and 64B16-27.420, Florida Administrative Code, and Sections 465.003(13) and 465.014, Florida Statutes, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rules 64B16-27.700, 64B16-27.400 and 64B16-27.420, Florida Administrative Code, and Sections 465.003(13) and 465.014, Florida Statutes, concerning the practice of compounding by pharmacy technicians.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Anthony C. Apfelbeck, Fire Official with the City of Altamonte Springs, FL, on or about July 14, 2008. The petition seeks the agency's opinion as to the applicability of interpretation of Sections 718.112, 633.0215, F.S., and Fire Prevention Code 31.3.4.1.1, as it applies to the petitioner.

Capistrano Condominiums has indicated that they have voted to "forgo retrofitting a fire alarm system and/or engineered life safety system of any kind."

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@myflorida.cfo.com](mailto:Lesley.Mendelson@myflorida.cfo.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:**

Florida Democratic Party vs. Department of State, Division of Elections; Case No.: 08-3485RP; Rule No.: 1S-2.027

Center for Education Advocacy, Inc., Rosemary N. Palmer and Donna Lorman vs. State Board of Education and Department of Education; Case No.: 08-3496RP; Rule Nos.: 6A-6.03028, 6A-6.0331, 6A-6.03311, 6A-6.03312, 6A-6.03411

National Road Safety Foundation, Inc. and PBD, Inc. vs. St. Johns River Water Management District; Case No.: 08-3311RX; Rule No.: 40C-4.091(1)

Nabil Khalil vs. Board of Pharmacy; Case No.: 08-3298RX; Rule No.: 64B16-26.2031