

- 5. Other Issues
- 6. Adjournment

A copy of the agenda may be obtained by contacting: Captain Craig C. Smith, Director, Polk Community College, Station #9, 999 Avenue H, N. E., Winter Haven, FL 33881.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from James Reed, on behalf of Southwest Progressive Enterprises, Inc., on November 25, 2008. The petition seeks the agency's opinion as to the applicability of Rule 9B-72.005, F.A.C., as it applies to the petitioner.

The Petitioner asks whether its products, a line of interior and exterior wall finishes with a stucco-like appearance are subject to Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-345.

A copy 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.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Alvin Scolnik, Vice President, Technical Services, National Electrical Manufacturers Association, on November 24, 2008. The petition seeks the agency's opinion as to the applicability of Rule 9B-3.0472, Florida Administrative Code, as it applies to the petitioner.

The Petitioner asks for clarification of the ANSI/UL standards that apply under the rule to the installation of carbon monoxide detectors installed in new construction.

A copy 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 32300-2100.

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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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 Mary Christofferson, Petitioner/Unit Owner, In RE: Bayshore Embassy Condominium, Inc., Docket No. 2008066968. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether the replacement of the sliding glass doors is a common expense under articles III and XV of the Declaration of Condominium of Bayshore Embassy Condominium, Inc.

A copy 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.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, 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 The Decoplage Condominium Association, Inc., Docket No. 2008050050 on September 3, 2008. The following is a summary of the agency's disposition of the petition:

It is ordered that The Decoplage Condominium Association, Inc., is not required to conduct a vote to elect directors in 2008 under the amendment to Section 718.112(2)(d)1., Florida Statutes, adopted by Chapter 2008-28, Section 7, Laws of Florida, and subsection 61B-23.0021(2), Florida Administrative Code.

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 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.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has

declined to rule on the petition for declaratory statement filed by Morris M. Hochberg, Petitioner, In Re: The Club at Crystal Lake Condominium Association, Inc. Docket Number: 2008053754 on September 24, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order under Section 120.565, Florida Statutes, because a factual dispute exists between the parties; the actions have already occurred; the order would affect third parties; and because the remedies sought are not available in this proceeding.

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.

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 Charles Pukit, Petitioner/Unit Owner, In RE: Bay Colony Club Condominium, Inc., Docket No. 2008066961. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes (2008). as it applies to the petitioner.

Whether the terms of directors presently serving staggered two-year terms end at the annual meeting to be held in December 2008 if a majority of the members of Bay Colony Club Condominium, Inc. vote to affirm a bylaw allowing staggered terms.

A copy 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.

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 Sea Isle Condominium Association, Inc., Docket No. 2008066956. The

petition seeks the agency's opinion as to the applicability of the Condominium Act, Chapter 718, F.S., as it applies to the petitioner.

Whether co-owners of two units at Sea Isle Condominium Association, Inc. who were both elected to the board of directors at the November 2008 meeting may serve concurrently under Section 718.112(2)(d)1., Florida Statutes (2008).

A copy 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.

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 Steven Simon, Petitioner/LCAM, In RE: The Palms Condominium, Docket No. 2008066965. The petition seeks the agency's opinion as to the applicability of Chapter 718, F.S., as it applies to the petitioner.

Whether The Palms association must insure the air conditioning units under Section 718.111(11), Florida Statutes (2008).

A copy 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.

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order disposing of the petition for declaratory statement filed by Jacksonville Kennel Club, Inc. (Petitioner), on November 21, 2008. The following is a summary of the agency's disposition of the petition:

The petition for declaratory statement was noticed in Vol. 34, No. 27, of the Florida Administrative Weekly. The petition lists Sections 550.0555, 550.475, 550.615(8), and 849.086(5)(b), Florida Statutes, as the statutory provisions upon which a declaratory statement is sought. The declaratory statement issued by the Division (DBPR Case No. 2008036447/DS

2008-038) finds that Petitioner and Intervenor, Associated Outdoor Clubs, Inc. (d/b/a Tampa Greyhound Track), are authorized to relocate their pari-mutuel permits to new locations in, respectively, Duval and Hillsborough Counties pursuant to Section 550.0555, Florida Statutes, and conduct intertrack wagering at both their original and relocated permit locations. The declaratory statement further finds that Petitioner and Intervenor would not have to build a new racing oval at their relocated permit locations and could operate a cardroom under Section 849.086, Florida Statutes, at both their original and relocated permit locations while leasing another facility for the conduct of their race meets, so long as they continue to qualify for and conduct intertrack wagering at both their original and relocated permit locations.

A copy of the Order Disposing 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 32399-2202, (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 Department of Health has received the petition for declaratory statement from Warren R. Ross, Esq., on behalf of Carl and Diane Baker. The petition seeks the agency's opinion as to the applicability of Sections 381.0065(3)(i), (3)(j), (4), (4)(u), and (5), F.S., and paragraph 64E-6.012(2)(l), F.A.C., as it applies to the petitioner.

Petitioners contend they are entitled to an exemption from the requirements that they have a third party maintenance entity inspect and otherwise maintain their septic system.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

Please refer all comments to: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Peter Schwab on or

about December 10, 2008. The petition seeks the agency's opinion as to the applicability of 2007 Florida Fire Prevention Code Section 1.4.6.1 as it applies to the petitioner.

Petitioner asks the following question: Is it the intent of Section 1.4.6.1 of NFPA 1/FFPC to allow the fire protection contractor, architect or engineer to make the decision to design a fire sprinkler or fire alarm system to a subsequent edition of the standards referenced in NFPA 1?

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.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Schwab Materials, Inc. on November 7, 2008. The following is a summary of the agency's disposition of the petition:

In the Matter of: Lee County, Florida, Case No. 90308-07-FM, Petition for Declaratory Statement before the Florida Department of Financial Services, filed August 9, 2007, is Withdrawn.

A copy of the Order Disposing 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@myfloridacfo.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:

NONE