

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, loutamire@fajua.org.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

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 ELDER AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs has issued an order disposing of the petition for declaratory statement filed by Independent Living Systems, LLC on July 13, 2009. The following is a summary of the agency's disposition of the petition:

The petition sought a determination regarding petitioner's status as a provider within the Long-Term Care Community Diversion Pilot Project under Section 430.707, Florida Statutes, by virtue of its registration with the Agency for Health Care Administration as a homemaker and companion services organization under Section 400.509, Florida Statutes. The Department determined that homemaker and companion service organizations are not "licensed" by the Agency, and do not satisfy the statutory definition of an "other qualified provider" found in Section 430.703(7), Florida Statutes, for purposes of participation in the Long-Term Care Community Diversion Pilot Project under Section 430.707(1), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Yolanda Siples, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2129, email: siplesy@elderaffairs.org.

Please refer all comments to: Yolanda Siples, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2129, email: siplesy@elderaffairs.org.

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 declined to rule on the petition for declaratory statement filed by Robert J. Dewire, Unit Owner/Petitioner, In Re: Windjammer Point Condominium Association, Inc. on May 5, 2009. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because the declaration provides the answer to Dewire's question, the default provision for a 75 percent vote in Section 718.113(2)(a), Florida Statutes, does not arise; or because the question is moot.

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 declined to rule on the petition for declaratory statement filed by Lisa Lehman, Petitioner, In Re: Towers of Quayside Homeowners' Association, Inc. on May 14, 2009. The following is a summary of the agency's declination of the petition:

The division may not issue a statement where it would affect the rights of persons who are not parties to the proceeding; or because there was insufficient evidence to complete a review of the petition; or because the circuit court has retained jurisdiction leaving the division with no authority to enter a declaratory statement.

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 Mike Senek, Petitioner/Unit Owner, In Re: Riverside Club, Inc., Docket No. 2009041121 on July 30, 2009. The petition seeks the agency’s opinion as to the applicability of as it applies to the petitioner.

What vote is required to amend the governing documents of Riverside Club condominium to allow leasing of units.

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 declined to rule on the petition for declaratory statement filed by Sharon S. Vander Wulp, Esq., In Re: Pine Run Association, Inc. on July 1, 2009. The following is a summary of the agency’s declination of the petition:

The Division declined to enter a declaratory statement because: the division may not issue a declaratory statement where it would affect the rights of persons who are not parties to 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.

The Board of Cosmetology hereby gives notice that on August 7, 2009, it received a Petition for Declaratory Statement filed by Teri Lynn Clark. The petition seeks the Board’s interpretation of Section 477.025, Florida Statutes, to determine whether individuals who purchase the infrared body wrap apparatus to perform body wraps on individuals are required to obtain a license.

Copies of the petition may be obtained from: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377.

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.”

NOTICE IS HEREBY GIVEN THAT the Department of Environmental Protection has declined to rule on the petition for declaratory statement filed by The Conservancy of Southwest Florida, Inc. on May 27, 2009. The following is a summary of the agency’s declination of the petition:

The petition was denied because neither Section 120.565(1), F.S., nor Florida Administrative Code Rule 28-105.001, F.A.C., authorize Petitioner to obtain a declaratory statement to determine the conduct of a third-party.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, (850)245-2264 or via email: jacob.m.brown@dep.state.fl.us.

Please refer all comments to: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, (850)245-2264, or via email: jacob.m.brown@dep.state.fl.us.

**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