

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2373773#

Finance Committee

DATE AND TIME: Thursday, September 23, 2010, 2:00 p.m.

Recurring Meeting Times: To be determined

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**FLORIDA ASSOCIATION OF COMMUNITY COLLEGES**

The Florida College System Council of Presidents Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2010, 10:00 a.m.

PLACE: Seminole State College of Florida Heathrow Center, 1055 AAA Drive, Heathrow, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida’s public state and community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

**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 BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order disposing of the petition for declaratory statement filed by Republic National Distributing Company and Johnson Brothers Liquor Company on September 22, 2010. The following is a summary of the agency’s disposition of the petition:

Republic National Distributing Company and Johnson Brothers Liquor Company, hereby voluntarily dismiss their petition with prejudice.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399.

Please refer all comments to: Mike Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 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 John Cirigliano, Unit Owner, In Re: Bel-Aire On The Ocean Condominium Association, Inc., on July 10, 2010. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a declaratory statement because the parties are in court litigating the issue; or because the division was not provided a copy of the governing documents, therefore the division lacks competent substantial evidence on which to base an opinion.

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 Albert Frost, Unit Owner, In Re: Tregate East Condominium Association, Inc. on August 3, 2010. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a declaratory statement because it cannot issue a declaratory statement concerning events that have already taken place; or when the petitioner fails to provide a complete current set of governing documents and the division does not have competent substantial evidence upon which to base its opinion.

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.

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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 issued an order disposing of the petition for declaratory statement filed by David H. Rogel, Esq., In Re: Club Atlantis Condominium Association, Inc., on July 8, 2010. The following is a summary of the agency's disposition of the petition:

The Division finds that Club Atlantis Condominium Association, Inc. must insure the limited common element cabanas and may not pass along the cost of the insurance of the cabanas to the unit owners who have exclusive use of the cabanas under the amendments to Section 718.111(11), 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 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 declined to rule on the petition for declaratory statement filed by Joseph G. Walsh, In Re: The Conquistador Condominium Apartments of St. Augustine Shores, Inc. on August 4, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a statement because petitioner failed to cite a statute, rule or order for the Division's interpretation; or because petitioner failed to provide a complete current set of governing documents on which to base an opinion.

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.

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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 West Flagler Associates, Ltd. as General Partner for Summer Jai Alai Partners Petitioner, on September 10, 2010, in DBPR Case No. 2010047493 (DS 2010-072). The petition seeks the agency's opinion as to the applicability of Chapter 550, and Sections 550.0745(2), 550.615(2), and 849.086, Florida Statutes, as it applies to the petitioner.

The Petition lists Chapter 550, and Sections 550.0745(2), 550.615(2), and 849.086, Florida Statutes, as the statutory provision(s) upon which a declaratory statement is being sought. The Petition requests the Division of Pari-Mutuel Wagering to state whether the Petitioner's plan to relocate its summer jai alai permit and conduct cardroom operations and intertrack wagering without being required to build a jai alai fronton and conducting the required live performances at another facility within 35 miles from the new facility complies with the Florida Statutes mentioned above as well as subsection 61D-11.007(4), Florida Administrative Code. 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 32399-2202, (850)921-0342.

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The Construction Industry Licensing Board hereby gives notice that on September 2, 2010, it received a Petition for Declaratory Statement filed by Phillip E. Tatoian, Jr., Esq. on behalf of Utility Meter Services, Inc. The petition seeks the Board's interpretation of Sections 489.105(3)(a) through (q), Florida Statutes, and whether the Petitioner must be licensed pursuant to Section 489.105(3), Florida Statutes, to read industrial electric, gas and water meters for utilities in the State of Florida.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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**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 Massage Therapy has received the petition for declaratory statement from Melinda Cumbaa. The petition seeks the agency's opinion as to the applicability of Rule 64B7-32.003, F.A.C. as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Rule 64B7-32.003, F.A.C., with respect to the clinical practicum (125) required hours.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

Please refer all comments to: Comments on this petition should be filed with the: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

**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 Pastor Jose Fernandez, Petitioner, received on September 14, 2010. The petition seeks the agency's opinion as to the applicability of NFPA 101 Paragraph 13.1.6, Table 13.1.6., 2006, Edition, as it applies to the petitioner.

The petition asks specific questions regarding the structure located at 150 Fox Valley Drive, Orange Park, FL.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 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 email: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Ed Riley, Fire Code Official, on September 10, 2010. The petition seeks the agency's opinion as to the applicability of seeking clarification regarding Florida Fire Prevention Code, NFPA 101, subsections 38.3.1.1(1) and 8.6.8.2(3) as it applies to the petitioner.

The address of building affected by this petition is 1450 Merrihue Drive, Naples, FL.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 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 emailing your request to: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Insurance Regulation has received the petition for declaratory statement from Homeowners Choice, Inc. and Homeowners Choice Property and Casualty Insurance Company, Inc. The petition seeks the agency's opinion as to the applicability of Sections 626.9541(1)(f), (g), (h), (n) and (o); 627.062 and 627.4035, F.S., as it applies to the petitioner.

The Office received the Petition from Homeowners Choice, Inc. and Homeowners Choice Property and Casualty Insurance Company, Inc., on September 13, 2010, regarding the application of these statutes to the stock offering it is proposing to implement.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Catharine Schoenecker by email: [Catharine.Schoenecker@flor.com](mailto:Catharine.Schoenecker@flor.com).

Please refer all comments to: Catharine Schoenecker by email: [Catharine.Schoenecker@flor.com](mailto:Catharine.Schoenecker@flor.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**

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

**NONE**