

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

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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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#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement from Florida Power & Light Company. The petition seeks the agency's opinion as to the applicability of Rule 25-6.0423, F.A.C. as it applies to the petitioner.

The petitioner inquires as to whether advance payments made prior to the completion of site clearing work for the proposed Turkey Point Units 6 and 7 are properly characterized as "preconstruction costs" to be recovered pursuant to the mechanism provided in Rule 25-6.0423, F.A.C. Docket No. 080083-EI.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

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NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement from Intrado Communications, Inc. The petition seeks the agency's opinion as to the applicability of Section 364.01(4)(g), F.S. as it applies to the petitioner.

The petitioner inquires as to whether Intrado or a 911 Public Safety Answering Point (PSAP) would bear any obligation to an incumbent local exchange telecommunications carrier (ILEC) to pay an ILEC's 911 tariff charges when the PSAP has selected Intrado to provide the PSAP with its 911 services. Docket No. 080089-TP.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

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#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Management Services, Division of Retirement has declined to rule on the petition for declaratory statement filed by Leon

County School Board on November 28, 2007. The following is a summary of the agency's declination of the petition: The Department lacks jurisdiction to interpret the term "K-12."

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Elizabeth Stevens, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Ste. 160-L, Tallahassee, Florida 32399, (850)487-1082.

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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 received the petition for declaratory statement from Catherine Adolf, In RE: 2080 Ocean Drive Condominium Association, Inc., Docket No. 2008009772. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether 2080 Ocean Drive Condominium Association, Inc. maintains the limited common elements in accordance with Section 718.113, Florida Statutes, and whether the management contract is fair and reasonable under Section 718.302(4), Florida Statutes.

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.

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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 Clarcona Resort Condominium Association, Inc., Docket No.: 2008010666. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether Clarcona Resort Condominium Association, Inc. may vote the units it has acquired title to under Section 718.104(4)(j) and 718.111(9), Florida Statutes.

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.

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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 David H. Kline, In RE: Greenway Village South Association IV, Inc., Docket No. 2008008501. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, and Chapter 61B, Florida Administrative Code, as it applies to the petitioner.

Whether Greenway Village South Association IV, Inc. complied with the 14 day notice requirement in Section 718.112(2)(e)1., Florida Statutes, when it mailed an amended alternate budget in advance of a unit owner's meeting and whether the budget contains disclosures required by subsection 61B-22.003(1), Florida Administrative Code.

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.

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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 Sophia Lima, Petitioner, In RE: The Grandview Palace Condominium Association, Inc., Docket No.: 2007065048 on November 26, 2007. The following is a summary of the agency's disposition of the petition:

Based on the findings of fact and conclusions of law, it is ordered that under Sections 718.301(1) and (2), Florida Statutes, Developer is entitled to at least one member, and may vote for two members, on the board of administration of Association following turnover based on the results of class voting at an election that Developer must hold within 135 days after the date of turnover. The proxy signature provisions of the bylaws are consistent with subsection 61B-23.002(6), Florida Administrative Code. Finally, the Division declines to address the issue of the amendments made unilaterally by the developer-appointed board because the amendments have already been recorded in public records.

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 Maison Grande Condominium Association, Inc.; Docket No.: 2007067873 on December 17, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because there is insufficient evidence to support a declaration and because a declaration may not address issues 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 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 George Heideman, Petitioner, In Re: Lake Clarke Gardens Condominium, Inc.; Docket No.: 2007064442 on November 20, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the issue is under investigation.

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.

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 Opticianry hereby gives notice that it has received a petition for Declaratory Statement, filed on February 21, 2008, by Robin Mohr, a Florida licensed optician. The Petitioner seeks the Board's guidance regarding several issues relating to Sections 484.002(3) and (9), and 484.001, Florida Statutes. Specifically, this includes a request as to: 1) whether the commercial optical establishment's instructions to non-licensed employees to give customers their glasses or contact lenses when there is not an optician on premises is a "transfer" pursuant to Section 484.002(3); and 2) whether or how Section 484.001, Florida Statutes, would apply when clients have been instructed to go to one optical store with product from another optical store (under the same ownership) to get measurements, then bring the measurements back to have a non-licensed employee finish the transaction and order the product without a licensed optician on the premise.

The Board will address this Petition at its next meeting. Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Psychology has received the petition for declaratory statement from Michael John Gournaris, Ph.D. The petition seeks the agency's opinion as to the applicability of Rule 64B19-13.003, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B19-13.003, Florida Administrative Code, and clarification regarding the process by which home study courses are approved by the Board.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has received the petition for declaratory statement from the Leon County Sheriff's Office, pursuant to Chapter 28-105, Florida Administrative Code. The petition seeks the agency's opinion as to the applicability of Chapter 648, Florida Statutes, as it applies to the petitioner.

This Petition, received on February 22, 2008, seeks the agency's opinion as to whether The Leon County Sheriff's Office in fulfilling its contract with Government Payment Services, Inc. (GPS), that provides for the pretrial release of criminal defendants, constitutes engaging in business activities which may only be conducted by a licensed bail bond agent or other person required to be licensed pursuant to Chapter 648, Florida Statutes. The Petition has been assigned case number 94421-08-DS.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bill Tharpe, Assistant General Counsel, Department of Financial Services, Division of Legal Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

**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**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**