

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.

For more information, you may contact: Peggy Waters, Social Services Manager, DeSoto County Community Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

**FLORIDA TELECOMMUNICATIONS RELAY, INC.**

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

**Section VII**

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT the Criminal Justice Standards and Training Commission has issued an order disposing of the petition for declaratory statement filed by Keith Begelman on July 1, 2010. The following is a summary of the agency’s disposition of the petition:

Even though his record has been expunged, Mr. Begelman is still required to acknowledge his felony conviction. Therefore, he is not exempt from the eligibility requirements set forth in Section 943.13(4), F.S., and is not eligible for Florida certification as an officer.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Office of the General Counsel, Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

Please refer all comments to: Joe White, Assistant General Counsel, Office of the General Counsel, Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

**DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has received the petition for declaratory statement from Jesse Toca. The petition seeks the agency’s opinion as to the applicability of Section 196.011(11), Florida Statutes, and subsection 12D-7.001(4), Florida Administrative Code, as it applies to the petitioner.

Petitioner is seeking a declaratory statement which declares and holds that a taxpayer may decline to provide a social security number, as required by Section 196.011(11), Florida Statutes and subsection 12D-7.001(4), Florida Administrative Code, if the taxpayer establishes that providing a social security number substantially burdens the taxpayer’s sincerely held religious beliefs.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Nancy Purvis, Agency Clerk, Department of Revenue, Office of General Counsel, Post Office Box 6668, Tallahassee, FL 32314-6668, (850)617-8347. Please refer all comments to: Nancy Purvis, Department of Revenue, Office of General Counsel at (850)617-8347.

**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 declined to rule on the petition for declaratory statement filed by Douglas Kaplan, Petitioner/Unit Owner, In Re: One Island Place Condominium Association, Inc. on June 24, 2010. The following is a summary of the agency’s declination of the petition:

The division declined to issue a declaratory statement because the petitioner did not provide a statute, rule or order that may apply to this particular set of circumstances; or because petitioner failed to provide a complete current set of governing documents and the division lacks competent substantial evidence on which to issue a 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 declined to rule on the petition for declaratory statement filed by Portofino Tower One Homeowners Association at Pensacola Beach, Inc., Docket No. 2010042890 on August 26, 2010. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because petitioner failed to provide a complete current set of governing documents for both the condominium association and master association and the division lacks competent substantial evidence on which to issue a 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 declined to rule on the petition for declaratory statement filed by Deborah L. Ross, Esq., on behalf of Ocean Bay Villas Condominium Association, Inc. on August 30, 2010. The following is a summary of the agency's declination of the petition:

The division closed the file as the petitioner voluntarily withdrew its Petition for 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.

## 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 Optometry hereby gives notice that on October 18, 2010, it received a request to withdraw the Petition for Declaratory Statement that was filed by Alexis Rodriguez, O.D., and was noticed in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly.

## 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 Shores of Madeira Condominium (Numerous Unit Owners at) 15400 Gulf Boulevard, Madeira Beach, Florida, on October 12, 2010, from Donald Kieffer, Petitioner. The petition seeks the agency's opinion as to the applicability of Fire Code Section 10.11.7. as it applies to the petitioner.

The condominium had two outdoor gas grills for about 20 years located near the pool and (interior) kitchen, but underneath a large overhang. This location was extremely convenient as it was near the kitchen, near the pool, near dining tables, and completely under cover. The City Fire Marshal has ordered the grills to be moved. There is no convenient or covered place on the grounds. Offers to install a sprinkler have been rejected. The only suggestion from the local officer is to get an electric grill or cook outside. Arguments: Are the local Fire Chief's interpretation of the Code correct – that there is no way that these long standing gas grills can be used under cover? Is this true notwithstanding the masonry construction of the building and the long history of incident free use of the grills? Is there no way to install sprinklers to abate the risk and return to the prior convenience – especially when so many other beachfront condos have the same arrangement? What if we had a cut off for the propane and sprinklers?

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 email: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received the petition for declaratory statement from We the People, Inc. of the United States. The petition seeks the agency’s opinion as to the applicability of Section 120.565, Florida Statutes as it applies to the petitioner.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a request for a Declaratory Statement on October 11, 2010, from We The People, Inc., of the United States, a public charity approved by the Internal Revenue Code as a section 501(c)(3) tax-exempt organization, regarding the application of Sections 517.02(21), 517.07 and 517.12, Florida Statutes, to the We the People’s proposed “Charitable Installment Bargain Sale Application and Agreement.” The request has been assigned the No. 0546-S-10/10.

A copy of the request may be obtained by writing: Alan Jackson, Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 660K, Tallahassee, Florida 32399-0379.

**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:**

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6)

Conservancy of Southwest Florida and Ralk Brookes vs. South Florida Water Management District; Case No.: 10-8898RX; Rule No.: 40E-20.091

Broward Children’s Center, Inc. vs. Agency for Health Care Administration; Case No.: 10-9517RP; Rule No.: 59A-4.1295

New Hope Sugar Company and Okeelanta vs. Department of Environmental Protection; Case No.: 10-9518RP; Rule No.: 62-302.540

United States Sugar Corporation vs. Department of Environmental Protection; Case No.: 10-9519RP; Rule No.: 62-302.540

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6)

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006

Eva Etienne vs. Department of Children and Family Services; Case No.: 10-9516RP; Rule No.: 65A-1.205(1)

Manatee Education Association and Patricia Barber vs. Manatee County School District and Manatee County School Board; Case No.: 10-9760RP

Macla Ltd., II, Limited Partnership, H. Joseph Hughes, as Trustee of the Betty Price Hughes Qualified Vacation Residence Trust, and Kershaw Manufacturing Company, Inc. vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 10-8197RU

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

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6); Voluntarily Dismissed

Bernadette Rodriguez vs. Department of Corrections; Case No.: 10-5866RP; Rule No.: 33-501.301(7)(a); Dismissed

Anheuser-Busch, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 06-4772RX; Rule No.: 61A-1.010(1); Voluntarily Dismissed

Barbara M. Blanco vs. Department of Business and Professional Regulation, Regulatory Council of Community Association Managers; Case No.: 10-2905RX; Rule No.: 61E14-2.001(5); Invalid

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6); Voluntarily Dismissed

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006; Withdrawal

Nicole Nicodemo vs. Department of Health, Board of Physical Therapy; Case No.: 10-5136RX; Rule No.: 64B17-3.001(4)(j); Dismissed