

For more information, you may contact: Karen Kersey at (352)427-4054.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration, on September 28, 2011, has issued an order disposing of the petition for declaratory statement filed by Nurse on Call, Inc. on June 1, 2011. The following is a summary of the agency's disposition of the petition:

On September 28, 2011, an Order disposing of the petition for declaratory statement filed by Nurse on Call, Inc. was issued. The petition was granted, and the Agency declared that, if undertaken by the petitioner in the future, the contemplated scenarios set forth in the petition would likely subject the petitioner to sanctions under Section 400.476(6), Florida Statutes.

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### 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 Lawrence C. Gibel, Petitioner, In Re: Bayshore Club Management Association, Inc., Docket No. 2011047976, on September 28, 2011. The petition seeks the agency's opinion as to the applicability of (none cited) as it applies to the petitioner.

Whether the board of Bayshore Club Management Association, Inc. may take action by email instead of providing unit owners with notice and holding a board meeting, which unit owners may attend.

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.

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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 received the petition for declaratory statement from Jaime Zelaya, Unit Owner, In re: The Hamptons at Brandon

Condominium, Inc. Docket No. 2011046970, on September 23, 2011. The petition seeks the agency's opinion as to the applicability of Section 718.111(11)(f)1., Florida Statutes, as it applies to the petitioner.

Whether the Hamptons at Brandon Condominium, Inc. or a unit owner are liable for water damage to other units under Section 718.111(11)(f)1., 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 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 Construction Industry Licensing Board has received the petition for declaratory statement from Patrick Altamura, Assistant Corporate Secretary, Mitsubishi Power Systems Americas, Inc., filed on September 13, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.113, Florida Statutes, as it applies to the petitioner.

The Petitioner seeks the Board to interpret Section 489.113, Florida Statutes, and whether it is required to obtain a contractor's license to design, manufacture, sell and service electrical power generation equipment and systems to the utilities, independent power producers and industrial concerns pursuant to the provisions of Section 489.113, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Alejandro Arguelles on July 14, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 31, of the August 5, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011. The Board's Order, filed on September 20, 2011, grants the Petition for Declaratory Statement of Section 489.105(3)(o), Florida Statutes. Pursuant to Section 489.105(3)(o), Florida Statutes, a

contractor is not required to become a solar contractor or to contract with a solar contractor to provide services that are otherwise within such contractor's scope of services.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Ted A. Bickoff, General Plumbing, Inc., filed on September 16, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.105(3), Florida Statutes, as it applies to the petitioner.

And whether installation of a Pool Lift and providing an independent water supply is within the scope of a building contractor.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by John Garner, Sr., on July 19, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 31, of the August 5, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011. The Board's Order, filed on September 20, 2011, denies the Petition for Declaratory Statement of Sections 489.105(3)(i), (k), (l) and 489.113(3)(c), Florida Statutes and Rule 61G4-15.032, Florida Administrative Weekly, based on lack of standing. Petitioner is not substantially affected as required by Section 120.565, Florida Statutes. Petitioner is not substantially affected as he is clearly licensed to contract for the work and is requesting a statement regarding the licensed required of others.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Robert J. Koning on June 21, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 28, of the July 15, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011. The petition requested the Board's interpretation of Part XVI of Chapter 468, Sections 468.841 and 468.8411, Florida Statutes, and whether mold related services including assessment and remediation services are within the scope of a properly licensed Division 1 contractor. The Board's Order, filed on September 20, 2011, answers the Petition for Declaratory Statement that mold remediation and assessment is within the scope of a Division 1 contractor as long as the services are otherwise related to the contractor's scope of work. Division 2 is not addressed with this statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by John Versames on June 30, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 29, of the July 22, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 12, 2011. The Board's Order, filed on September 20, 2011, denies the Petition for Declaratory Statement of Sections 489.105(3)(a), (e), Florida Statutes, based on lack of standing. Petitioner is not substantially affected as required by Section 120.565, Florida Statutes. The declaratory statement is not the appropriate avenue to inquire of the conduct of others.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

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#### **DEPARTMENT OF HEALTH**

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of GMAC Indemnity Corporation (GMAC), September 26, 2011. The Petitioner requests an opinion from the Board regarding a licensed massage therapist's authorized clinical assessment and

authorized medical decision making abilities that would allow him or her to perform, assess and document the progress of auto accident clinic patients as outlined in the petition. The Board will consider this petition at its meeting scheduled for December 2-3, in Orlando, Florida.

Copies of the petition may be obtained by writing: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Russell Spicola, a Fire Marshal with the City of Tampa, filed on September 16, 2011. The petition seeks the agency’s opinion as to the applicability of Florida Statute Chapter 633 and NFPA Code 160.8.4. as it applies to the petitioner.

This petition for declaratory statement is referring to a fire baton twirler at a local university. The Petitioner has presented the following question: whether an underage baton twirler is considered to be a flame effect operator as described in NFPA 160.8.4?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Linje Rivers, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3110, Fax: (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: Linje.Rivers@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**

**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**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF MILITARY AFFAIRS**

**INVITATION TO BID**

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General and/or Building Contractors (as required by Florida Law) for the following project located at Robert A. Ballard Armory, 700 Northwest 28th St., Miami, FL 33127.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER OCTOBER 14, 2011 AT: [http://wbs.dms.state.fl.us/vbs/main\\_menu](http://wbs.dms.state.fl.us/vbs/main_menu).

FUNDING: The State of Florida’s performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature. These projects will be awarded based upon the availability of Federal Cooperative Agreement End of Year Funding. There is no promise or guarantee these project will be awarded in Fiscal Year 2011 or Fiscal Year 2012 if funds are not received.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

PROJECT DESCRIPTION: Florida Armory Renovation Program (FARP)

Miami (Ballard) Armory Renovation – Miami, (Miami-Dade County) Florida.