

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website, www.fwcjua.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Steven M. Sincere, P.E. on March 12, 2008, regarding whether chapters 16 and/or 20 of the Florida Building Code, Building Volume (2007 as amended) allow the use of removable screen panels in the design and fabrication of screen enclosures. It has been assigned the number DCA08-DEC-083. A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. James DiPietro, on behalf of the Broward County Board of Rules and Appeals on March 13, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-252. The Commission determined that the adoption of a proposed local amendment allowing local amendment in Broward County allowing building officials within Broward County to reinstate inactive building permits that have been nullified by operation of Section 105.4.1.2., Florida Building Code, Building Volume (2007 as amended) would not violate Section 553.73(4)(a), Florida Statutes (2007).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Ruben Fabian Arroyo, President of Arroyo Enterprises, Inc., on March 17, 2008, regarding whether glass panels in the roof of a glass sunroom are exempt from the requirement of shutter protection under section 1609.1.2 of the Florida Building Code, Building Volume (2007 as amended), as long as the sunroom is separated from the existing structure by a wall and all openings in the existing wall are protected. The petitioner also asks whether a sunroom can be built as partially enclosed; whether a structure with its own new roof can built

as partially enclosed; whether a partially enclosed structure has to be shuttered, and whether section 16.091.2 applies to a conservatory. It has been assigned the number DCA08-DEC-086.

A copy of the request may be obtained by writing to Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Robert A. Walz, P.E., on March 17, 2008, regarding whether the "open areas" in the walls of a sunroom, as defined in section R202 of the Florida Building Code, Residential Volume (2007 as amended) include fixed glass windows and sliding glass door panels that do not "open" to let in outdoor air. It was assigned the number DCA08-DEC-085.

A copy of the request may be obtained by writing to Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Joseph Herrmann, Production Manager, on behalf of Arroyo Enterprises, Inc., on March 17, 2008, regarding whether a glass sunroom with a glass roof is a non-habitable structure; whether a non-habitable structure it can be built as partially enclosed; and what categories of sunroom are required to be shuttered under the Florida Building Code (2007 as amended). It has been assigned the number DCA08-DEC-087.

A copy of the request may be obtained by writing to Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Gary Swartz, on behalf of E-Z Taping System, Inc. on September 26, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-194. The Commission determined that Petitioner's product, a taping system for use in conjunction with fire-rated gypsum board, is not subject to the requirements of Chapter 9B-72, Florida Administrative Code, and approval by the Commission for statewide use is not required to use the product.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from G. David Rogers, Executive Vice President, on behalf of Florida Propane Gas Association, on March 4, 2008, regarding whether liquefied petroleum/propane gas tanks, cylinders or containers are structures that are subject to section 1606.1 of the Florida Building Code, Building Volume (2004 as amended 12/05, 12/06 and 12/07). It has been assigned the number DCA08-DEC-071.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Dwight E. Holmes, FAIA, on behalf of Holmes Hepner & Associates Architects, on February 21, 2008, regarding whether section 1025.4.1 of the Florida Building Code, Building Volume (2004 as amended) allows side-hinged emergency escape and rescue windows to swing inwards into the occupied space in a school building, provided all requirements of subparagraphs 1 and 2 have been met. It has been assigned the number DCA08-DEC-059.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Mark S. Speckin., on behalf of SPX Cooling Technologies, Inc. on September 12, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-182. The Commission determined that the Florida Building Code (2007 as amended) requires the structure and anchorage of exterior mounted cooling towers that are subject to the forces of wind to be designed to withstand the applied wind force; and the wind design date for those towers must be included within the construction documents submitted to the local authority having jurisdiction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Mark S. Speckin, on behalf of SPX Cooling Technologies, Inc. on September 12, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-183. The Commission determined that the Florida Building Code (2007 as amended) requires the mechanical equipment and supports being replaced during a level 1 alteration to meet the wind design criteria of the current code, not the code in effect when the building was originally constructed, and that the new mechanical equipment must be designed for wind forces for both the structure and anchorage of mechanical equipment as specified in the code in effect at the time that application is made for a permit for the alteration.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has received the petition for declaratory statement from Abe Sacks, on behalf of Structa Wire Corporation, on February 18, 2008, regarding whether the Petitioner's line of welded wire stucco reinforcing products are within the scope of Chapter 9B-72, F.A.C. The Petition has been assigned the number DCA08-DEC-047.

A copy may be obtained by contacting: Paula Ford, Commission Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has received the petition for declaratory statement from Fred R. Dudley, Holland & Knight, on behalf of Verizon Wireless, on February 22, 2008, regarding whether commercial wireless communication towers and antenna attachments are structures which require an importance factor of 1.00 for wind load design under sections 3108.4 and 1609.1.1.7 of the Florida Building Code, Building Volume (2004 as amended). It has been assigned the number DCA08-DEC-062.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT Agency for Health Care Administration has received the petition for declaratory statement from Ace Drug, Inc. d/b/a Hollywood Medical Supply. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

The provisions on which the declaratory statement are sought are: Section 409.913(7)(d), Florida Statutes; Section 409.920, Florida Statutes; Rule 59G-4.070, Florida Administrative Code; and Florida Provider General Handbook, Chapter 1-5 (entitled Medicaid Payment is Payment in Full). The Petitioner is requesting that the Agency issue a declaratory statement advising that providing the proposed services described in the petition, and allowing beneficiaries to pay for upgrades, would not subject Hollywood to disciplinary action under Section 409.913(7)(d), Florida Statutes; Section 409.920, Florida Statutes; Rule 59G-4.070, Florida Administrative Code; and/or Florida Provider General Handbook, Chapter 1-5.

A copy of the petition may be obtained by writing to: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by School Board of Escambia County, Florida (School Board) and the Union of Escambia Education Staff Professionals (Union) on February 13, 2008. The following is a summary of the agency's disposition of the petition:

Case No. DS-2008-001. The Commission determined that the substitution of the Union as the bargaining agent for three separate School Board bargaining units through amendment to certification petitions did not act to merge the three units into a single bargaining unit.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950

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 Michael David Drinkwine, Petitioner; Docket No. 2008015352. The petition seeks the agency's opinion as to the applicability of Chapter 326, Florida Statutes, as it applies to the petitioner.

Whether Michael Drinkwine, a defendant in Martin County Circuit Court in criminal case no. 432007CF319, violated Section 326.005(3), Florida Statutes, in that case by intentionally failing to place funds received pursuant to a sales transaction involving a new yacht into a trust account.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the 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: Philip Monte, 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.

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 Patrick Carr, Petitioner, Old Port Cove Property Owners Association, Inc.; Docket No. 2006061569 on November 2, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because of a factual dispute between the parties, which may not be resolved by declaratory statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the 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.

The Board of Employee Leasing Companies hereby amends the notice regarding a Petition for Declaratory Statement filed on behalf of American Pool Service of Orlando, LLC. on February 5, 2008. The initial notice was published on February 22, 2008 in Vol. 34, No. 8 of the Florida

Administrative Weekly. The Petitioner seeks the Board’s opinion as to whether the terms of an agreement to provide personnel to one of its customers amounts to a “temporary help arrangement” within the meaning of Section 468.520(4)(a), Florida Statutes (2007), or a “facilities staffing arrangement” within the meaning of Section 468.520(4)(c), Florida Statutes (2007). The Board originally planned to consider this Petition during a telephonic conference call to be held on March 19, 2008. The Petition will now be heard during the Board’s regularly scheduled, public meeting that will be held in St. Petersburg Beach, Florida on April 16, 2008.

Copies of the Petition may be obtained by writing Mr. Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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 Respiratory Care hereby gives notice that on March 17, 2008, it received a Petition for Declaratory Statement filed by Robert D. Clark, on behalf of Air Products Healthcare Southeast, Inc., d.b.a. MedSafety (“Air Products Healthcare”). The petition seeks the Board’s interpretation of Section 468.35, Florida Statutes, in regards to whether an employee or independent contractor of a home respiratory equipment company is required to be licensed by the Florida Board of Respiratory Care to perform some of all of the following activities: deliver, assemble, set-up and/or test Continuous Positive Airway Pressure (CPAP) or Bi-level therapy equipment; follow-up to ensure that the equipment is functioning properly and educate patients no how to use the nasal mask or to interface with a Positive Airway Pressure (PAP) device.

Copies of the petition may be obtained from: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Department of Health, Bureau of Emergency Medical Services has declined to rule on the petition for declaratory statement filed by Martin County Fire Rescue on February 4, 2008. The following is a summary of the agency's declination of the petition:

The Department dismisses the Petition without prejudice for the following reasons. The petition does not comply with several of the formal requirements for petitions for declaratory statement. Subsections 28-105.002(1), (2), (4), and (5), F.A.C.

The petition does not specify the statutory provision, rule or order that the Petitioner believes applies to the relevant set of circumstances.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Bureau of EMS, Lisa_Walker2@doh.state.fl.us, 4052 Bald Cypress Way Bin C-18, Tallahassee, FL 32399, fax: (850)488-9408.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT Department of Financial Services, Division of State Fire Marshal, has declined to rule on the petition for declaratory statement filed by from American Promotional Events, Inc. c/b/a TNT Fireworks, Petitioner on March 17, 2008. The following is a summary of the agency’s declination of the petition:

The Petitioner emailed his withdrawal of petition for declaratory statement stating that he was informed by the Florida State Fire Marshal’s Office that it does not have jurisdiction to the issue requested by declaratory statement.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

**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