

DATE AND TIME: July 16, 2008, 8:00 a.m.  
 PLACE: South Seas Island Resort, 5400 Plantation Road, Captiva Island, Florida 33924  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic planning: review 2007-08 strategic goals, develop long-term strategic goals.  
 A copy of the agenda may be obtained by contacting: wendy.schaefer@mail.callsunshine.com.

The **Sunshine State One Call of Florida, Inc.** announces a public meeting to which all persons are invited.  
 DATE AND TIME: July 17, 2008, 8:00 a.m.  
 PLACE: South Seas Island Resort, 5400 Plantation Road, Captiva Island, Florida 33924  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning: long-term strategic goals development; Committee Meetings.  
 A copy of the agenda may be obtained by contacting: wendy.schaefer@mail.callsunshine.com.

The **Sunshine State One Call of Florida, Inc.** announces a public meeting to which all persons are invited.  
 DATE AND TIME: July 18, 2008, 8:00 a.m.  
 PLACE: South Seas Island Resort, 5400 Plantation Road, Captiva Island, Florida 33924  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings; Board Meeting; Committee Reports.  
 A copy of the agenda may be obtained by contacting: wendy.schaefer@mail.callsunshine.com.

**REGION XII TRAINING COUNCIL**

The **Region XII Training Council** and Assessment Center Board of Directors announces a public meeting to which all persons are invited.  
 DATE AND TIME: July 22, 2008, 10:00 a.m.  
 PLACE: Palm Beach Community College, Room CE 119, 4200 Congress Avenue, Lake Worth, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.  
 A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3403.

**SECURE AIRPORTS FOR FLORIDA'S ECONOMY COUNCIL**

The **Secure Airports for Florida's Economy (SAFE) Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 24, 2008, 9:00 a.m.  
 PLACE: The Breakers (Magnolia Room), One South County Road, Palm Beach, Florida 33480  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes; Funding Options; Outreach Update; Digicast Update; GA Security Assessment Presentation; Project/Program Recommendations; FY 2009 Budget.  
 A copy of the agenda may be obtained by contacting: Rebecca Bosco at (813)974-9777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Rebecca Bosco at (813)974-9777. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 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.

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Abe Sacks, on behalf of Structa Wire Corp. (Petitioner), on June 23, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA08-DEC-047.  
 The Commission determined that the Petitioner's line of welded-wire stucco reinforcing products are not within the scope of Chapter 9B-72, Florida Administrative Code.  
 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.

**DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN THAT Florida Department of Revenue has received the petition for declaratory statement from Four Star Homes, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 212, F.S., as it applies to the petitioner.

The Petitioner is requesting a declaratory statement as to whether various separately stated items related to the sale of a manufactured or mobile home are subject to sales tax pursuant to Chapter 212, F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Nancy Purvis, Agency Clerk, Department of Revenue, Office of General Counsel, P. O. Box 6668, Tallahassee, FL 32314-6668, (850)488-0712, Fax (850)488-7112.

Please refer all comments to: Tom Butscher, Assistant General Counsel, Department of Revenue, e-mail: butschet@dor.state.fl.us.

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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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#### **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 declined to rule on the petition for declaratory statement filed by Laurel Oak Community Association, Inc.; Docket No. 2008024987 on April 25, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have authority under Chapter 720, Florida Statutes, to enforce or interpret Section 720.3085(4), Florida Statutes, governing homeowners' association lien disputes.

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 received the petition for declaratory statement from John R. Phillips, Unit Owner, In RE: Indian Sunset Beach Property Owners Association, Inc., Docket No. 2008034023. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether Indian Sunset Beach Property Owners Association, Inc. may change the method of apportioning the common expenses for limited common elements under Sections 718.104(4)(f), (g), 718.113(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 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 Jan Sawitoski, Unit Owner, In RE: Southern Breeze Gardens Condominium Association, Inc., Docket No. 2008016365 on March 17, 2008. The following is a summary of the agency's disposition of the petition:

It is ordered that Southern Breeze Gardens Condominium Association, Inc.'s (Association) amendment to the declaration imposing a transfer fee, application and approval process for unit leases may be applied to petitioner under Section 718.110(13), 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 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 Pari-Mutuel Wagering, Department of Business and Professional Regulation, (hereinafter "Division") has received the petition for declaratory statement from Jacksonville Kennel Club, Inc., (hereinafter "Petitioner"), on June 11, 2008, in DBPR Case No. 2008036447 (DS 2008-038). The petition seeks the agency's opinion as to the applicability of Sections 550.0555, 550.475, 550.615(8) and 849.086(5)(a), Florida Statutes, as it applies to the petitioner.

The petition requests a declaratory statement regarding several issues arising from the potential relocation of Petitioner's pari-mutuel wagering facility which is located in Duval County, Florida. The specific questions presented are:

- a. Assuming that appropriate zoning for any new facility is demonstrated to the Division, if Petitioner petitions to relocate its pari-mutuel wagering permit to a new facility located in Duval County within a 30-mile radius of its existing facility, would the Division's decision on this request rest solely on whether the relocation is necessary to maintain or enhance the capability of Petitioner to produce tax revenues for the state from wagering activities without deteriorating the capability of Orange Park Kennel Club and St. Johns Greyhound Park to produce such tax revenues?
- b. If Petitioner successfully petitions to relocate its pari-mutuel wagering permit to a new facility located in Duval County within a 30-mile radius of its existing facility, would Petitioner be able to: (a) continue to conduct pari-mutuel wagering on live greyhound races at the leased Orange Park facility pursuant to an annual license issued by the Division; and (b) conduct intertrack pari-mutuel wagering at its new facility in Duval County?
- c. Would the Division's answers to the questions posed in Question b. be the same if a greyhound racing oval will not be constructed at the new facility?
- d. Under the same scenario described in Question b, assume further that Petitioner submits a properly completed application for a cardroom license for its new facility in Duval County, the required license fee, and adequate evidence of local government approval under Section 849.086, Florida Statutes, and that both Orange Park Kennel Club and Jacksonville Kennel Club have each consistently applied for and received licenses to conduct a "full schedule" of live greyhound racing at the Orange Park facility in compliance with Section 849.086(5)(b), Florida Statutes. Under these circumstances, would Petitioner qualify to conduct cardroom operations at its new facility in Duval County pursuant to an annual license issued by the Division?

Any person whose substantial interests may be affected by the Division's response to the request for declaratory statement may petition the Division to intervene in this matter.

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.

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NOTICE IS HEREBY GIVEN THAT June 12, 2008, Board of Employee Leasing Companies has issued an order disposing of the petition for declaratory statement filed by American Pool Service of Orlando, L.L.C. on February 5, 2008. The following is a summary of the agency's disposition of the petition:

The initial notice was published on February 22, 2008 in Vol. 34, No. 8 of the Florida Administrative Weekly, and an amended notice was published on March 28, 2008 in Vol. 34, No. 13 of the Florida Administrative Weekly. American Pool

Service sought a determination from the Board as to whether it was required to apply for licensure as an employee leasing company in Florida. The Board intended to consider this matter during its April 16, 2008 public meeting in St. Petersburg, Florida. However, with the consent of American Pool Service, the Board tabled consideration of the Petition until a publicly-noticed, telephonic conference call on May 21, 2008 during which it ruled as follows: 1. Section 468.520(4), Florida Statutes (2007), defines "employee leasing" to mean "an arrangement whereby a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client." 2. However, the term "employee leasing" does not encompass a "temporary help arrangement" as defined in Section 468.520(4)(a), Florida Statutes (2007), or a "facilities staffing arrangement" as defined in Section 468.520(4)(c), Florida Statutes (2007). 3. After considering the assertions set forth in the Petition, the Board concluded that the nine-month contractual agreement between American Pool Service and its customer in Florida is too long in duration to be considered a "temporary help arrangement" intended to assist the aforementioned customer with meeting seasonal demand. 4. Instead, the nine-month contractual agreement described in the Petition is more akin to an arrangement that will be maintained on an "ongoing, indefinite basis." 5. Accordingly, the Board declared that the contractual agreement described in the Petition amounted to a "facilities staffing arrangement" as set forth in Section 468.520(4)(c), Florida Statutes (2007).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mr. Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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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."

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on June 17, 2008, the Board of Podiatric Medicine has received the petition for declaratory statement from Paul M. Greenman, DPM. The petition seeks the agency's opinion as to the applicability of Section 461.003(5), F.S., and Rule 64B18-23.001, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 461.003(5), F.S., and Rule 64B18-23.001, Florida Administrative Code, regarding whether an endovenous ablation of the Greater Saphenous Vein is within the scope of practice for a podiatric physician in Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT Florida Department of Financial Services has declined to rule on the petition for declaratory statement filed by Charles K. Bortell, Jr. on April 11, 2008. The following is a summary of the agency’s declination of the petition:

It is well established that declaratory statements issued pursuant to Section 120.565, Florida Statutes, can be applicable only to the specific petitioner and question that is not so limited and would require a response that is the equivalent of a rule. Therefore, the instant petition, which by its own terms, is not limited in its application to the specific petitioner, but to all similarly licensed insurance agents, must be denied. Also the Petition asks for a declaratory statement relative to ongoing conduct, which circumstance also militates for denial of the petition. *Novick v. Department of Health*, 816 So.2d 1237 (Fla. 5th DCA 2002).

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Douglas Shropshire, Staff Counsel, Department of Financial Services, Division of Legal Services, Larson Building, 6th Floor, 200 East Gaines Street, Tallahassee, Florida 32399-0333, or by email at shropshired@dfs.state.fl.us.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from Roy Tremain, Fire Chief. The petition seeks the agency’s opinion as to the applicability of Section 509.215(1)(a), Florida Statutes, in conjunction with subsection (3) of the same statute as it applies to the petitioner.

The Petitioner is charged with enforcement of the fire code and is substantially affected by the interpretation of Section 509.215(1)(a), Florida Statutes, in conjunction with subsection (3) of the same statute, as it applies to a particular parcel of property located in Eustis, Florida.

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 e-mailing your request to Lesley.Mendelson@fldfs.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 EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture will be required for the following: Project No.: FM-318, Rural Diversity Healthcare Center, Crestview, Florida.

The facility was constructed in 1937 as a manufacturing plant building. The textile facility assisted the area economy during the post depression era and produced various items including military clothing during WWII. This project consists of the design and renovations of 39,200 gsf of space into teaching labs, classrooms and offices. The university design solutions will involve the restoration of the historical aspects of the building, while redesigning the building’s interior square footage into classrooms, teaching labs and offices for the