

SMALL BUSINESS REGULATORY ADVISORY COUNCIL

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Every Friday, January 8, 2010 and continuing weekly through May 28, 2010 as needed, 9:00 a.m. (Eastern Standard Time)

PLACE: To participate call: 1(888)808-6959, Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meetings to discuss matters pending in or developed during the 2010 legislative session.

A copy of the agenda may be obtained by contacting: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

For more information, you may contact: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2010, 9:00 a.m. (Eastern Standard Time), December 5, 2010, if needed

PLACE: To participate call: 1(888)808-6959, Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, rules review, and legislative update.

A copy of the agenda may be obtained by contacting: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

For more information, you may contact: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from the Orange County Division of Building Safety, DCA09-DEC-309. The petition seeks the agency's opinion as to the applicability of the Florida Building Code, Existing Buildings Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks if the Florida Building Code, Existing Building Volume (2007) applies to eleven different activities involving repair and replacement of pool components, equipment, and pool decks.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from CDC Enterprises, Inc., DCA09-DEC-322. The petition seeks the agency's opinion as to the applicability of section 13.102.2, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks if section 13.102.2, Florida Building Code, Building Volume (2007), requires approval by the Florida Building Commission, as well as the local building official, for use of Petitioner's product as an alternative material meeting the intent of the Energy Efficiency Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from Life Time Products, LLC, DCA09-DEC-341. The petition seeks the agency's opinion as to the applicability of the Florida Building Code as it applies to the petitioner.

The Petitioner asks whether Petitioner's products, a line of lumber-alternative materials for use in decking, fencing, sea walls, docks, and other exterior applications, would be classified as structural products under the Florida Building Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from George Merline Associates, Inc., DCA09-DEC-347. The petition seeks the agency's opinion as to the applicability of sections 3109.2.2, 3109.3, and 3109.4, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks of how sections 3109.2.2, 3109.3, and 3109.4, Florida Building Code, Building Volume (2007), apply to modifications of existing structures located seaward of the Coastal Construction Control Line.

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

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from JDB Code Services, Inc., DCA09-DEC-351. The petition seeks the agency's opinion as to the applicability of sections 102.1 and 102.4, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks how sections 102.1 and 102.4, Florida Building Code, Building Volume (2007, with 2009 supplement) apply to the installation of receptacle outlets in Category I, II, and III sunrooms attached to single family dwellings.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Warren Schaefer, DCA09-DEC-370. The petition seeks the agency's opinion as to the applicability of Rule 9B-72 and sections 1623 and 1626, Florida Building Code, Building Volume (2007 with 2009 supplement) as it applies to the petitioner.

The Petitioner seeks clarification of the requirements for product approval testing of a lift and slide door. Petitioner asks if sections 1623 and 1626, Florida Building Code, Building Volume (2007 with 2009 supplement), allow a lab to issue, sign and seal a test report for an individual unit tested; and where the code states that 3 specimens of one product must be tested, whether the specimens must be alike; and whether the test lab has authority to determine which units are to be tested for the approval.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

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 received the petition for declaratory statement from John Baynes, Petitioner/Unit Owner, In Re: Lake Vista I Condominium Association, Inc., Docket No. 2009061023 on November 20, 2009. The petition seeks the agency's opinion as to the applicability of (none cited) as it applies to the petitioner. Whether the second floor balconies, stairways and elevators serving second floor units are limited common elements under article 5.4 of the Declaration of Lake Vista I Condominium.

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.

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 Hibiscus-By-The-Sea Condominium Association, Inc. on October 21, 2009. The following is a summary of the agency's declination of the petition:

The Division does not have jurisdiction to resolve disputes over unclear provisions in a declaration; or because the Division cannot issue a declaratory statement concerning events that have already taken place.

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 Joseph Rosen on behalf of Plaza East Association, Inc. on October 15, 2009. The following is a summary of the agency's declination of the petition:

The Division may not issue a Declaratory Statement concerning events that have already occurred; or when there are facts in dispute; or where there are unit owners who will be affected by the decision and who are not parties to the petition. 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

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Jennifer Bachman on July 28, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought the Board's interpretation of Chapter 480, F.S., entitled "Massage Practice," as it applies to the practice of reflexology. Specifically, the Petitioner requested that the Board issue a Declaratory Statement exempting her from regulation under the Massage Practice Act, so she may be permitted to practice reflexology without a license. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, and issued an order, filed on November 9, 2009, denying the Petition, finding that reflexology falls within the definition of massage therapy found in Section 480.033, F.S.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Please refer all comments to: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Dayl Kumpa on July 31, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought the Board's interpretation of Chapter 480, F.S., entitled "Massage Practice," as it applies to the practice of reflexology. Specifically, the Petitioner requested that the Board issue a Declaratory Statement exempting her from regulation under the Massage Practice Act, so she may be permitted to practice reflexology without a license. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, and issued an order, filed on November 9, 2009, denying the Petition, finding that reflexology falls within the definition of massage therapy found in Section 480.033, F.S.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Please refer all comments to: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, the Board of Pharmacy has received the petition for declaratory statement from Gary G. Koesten, B.Pharm, M.S., C.Ph., on behalf of 1-800-PetMeds. The petition seeks the agency's opinion as to the applicability of paragraph 64B16-28.108(2)(d), Florida Administrative Code, and Section 465.016(1)(l), F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of paragraph 64B16-28.108(2)(d), Florida Administrative Code, and Section 465.016(1)(l), F.S., concerning administering donated medications to animals.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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 Anthony C. Apfelbeck, Fire Official with the City of Altamonte Springs. The petition seeks the agency's opinion as to the applicability of Section 633.027, F.S. and Rule 69A-60.008, F.A.C., as it applies to the petitioner.

Petitioner asks very specific questions that pertain to his particular set of circumstances.

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: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from City of Belleair Beach, Florida. The petition seeks the agency's opinion as to the applicability of Rule 69A-60.007, F.A.C. (Enforcement of Fire Prevention Code; Rule 69A-60.003, F.A.C. (NFPA1 – Florida Adoption 2008); Rule 69A-60.004, F.A.C. (Life Safety Code); NFPA 14- (Standards for Installation of Standpipes and Hose Systems) as it applies to the petitioner.

The Petitioner seeks a declaratory statement regarding very specific questions that pertain to his particular set of circumstances.

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@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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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EXECUTIVE OFFICE OF THE GOVERNOR

COMPRESSED NATURAL GAS
FUELING INFRASTRUCTURE PROGRAM

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use \$4,000,000 for the creation of the Compressed Natural Gas Fueling Infrastructure Program. This matching grant program is intended to expand the use of compressed natural gas (CNG) as a transportation fuel through increased deployment of CNG fueling infrastructure throughout the state.

Eligible applicants under this program include Florida municipalities and county governments, Florida school districts, established for-profit companies licensed to do business in Florida, universities and colleges in Florida, not-for-profit organizations, and State of Florida agencies. Program guidelines and applications are located at MyFloridaClimate.com.