

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT District Six will hold an Alternatives Public Workshop for a Project Development and Environment (PD&E) Study on the SR 826/Palmetto Expressway from SR 836/Dolphin Expressway to SR 932/N.W. 103 Street in Miami-Dade County. The Financial Project Number is 418423-3-22-05 and the Efficient Transportation Decision Making (ETDM) Number is 11560. Graphic displays and information about the project will be available for viewing in an informal setting until 8:00 p.m. The purpose of this project is to add managed lanes in both directions of the corridor. The public will have an opportunity to provide input on the improvements for the SR 826/Palmetto Managed Lanes project.

A copy of the agenda may be obtained by contacting: Ms. Judy Solaun-Gonzalez, P.E., Project Manager at (305)470-5207 or in writing: 1000 N.W. 111 Avenue, Consultant Management Office, Miami, Florida 33172 or via e-mail at: judy.solaun@dot.state.fl.us.

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 7 days before the workshop/meeting by contacting: Mr. Nicholas Danu, P.E. at (305)470-5219 or in writing: 1000 N.W. 111 Avenue, Room 6111-A, Miami, FL 33172 or via e-mail: nicholas.danu@dot.state.fl.us. 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).

For more information, you may contact: Ms. Judy Solaun-Gonzalez, P.E., Project Manager at (305)470-5207 or in writing: 1000 N.W. 111 Avenue, Consultant Management Office, Miami, Florida 33172 or via e-mail: judy.solaun@dot.state.fl.us.

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by Florida Prison Legal Journal on September 8, 2011. The following is a summary of the agency's disposition of the petition:

The Department's Final Order denies the Petition on the grounds that a declaratory statement proceeding under section 120.565, Florida Statutes is not the appropriate mechanism for challenging agency decisions.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, FL 32399.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In re: Petition of Astor Post No. 9986 Veterans of Foreign Wars of the United States, Inc., for a Declaratory Statement, Docket Number DS 2011-098. has received the petition for declaratory statement from Astor Post No. 9986 Veterans of Foreign Wars of the United States, Inc. The petition seeks the agency's opinion as to the applicability of Rule 61A-1.010 and subsection 61A-1.0104(3), Florida Administrative Code, as it applies to the petitioner.

The Petitioner requests a declaratory statement in regards to the term "industry members" as used in Rule 61A-1.010 and subsection 61A-1.0104(3), Florida Administrative Code. Specifically, Petitioner requests clarification as to whether the term "industry members" is narrowly tailored to encompass only those members of the alcoholic beverages industry, or applies generally to members of any industry.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 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 received the petition for declaratory statement from Michael Hallinan, Brian Smith, and Jack Ward, Petitioners, In Re: Hibiscus-by-the-Sea Condominium Association, Inc., Docket No. 2012000588 on January 3, 2012. The petition seeks the agency's opinion as to the applicability of Section 718.110(4), Florida Statutes, as it applies to the petitioner.

Whether Hibiscus-by-the-Sea Condominium Association, Inc., a two building phased condominium, may assess unit owners in building one of a two building phased condominium the entire cost of a settlement agreement in a breach of contract suit by the adjuster against the association involving insurance proceeds under Section 718.110(4), 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 Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Mark A. Annunziata on October 6, 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. 44, of the November 4, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 11, 2011. The Board's Order, filed on December 29, 2011, grants the Petition for Declaratory Statement. Pursuant to Section 489.113, Florida Statutes, a contractor may employ a person who is not licensed to perform work under supervision of the contractor provided the work is within the scope of the contractor's license. Likewise, the contractor may subcontract to other licensed contractors. Therefore a general contractor can subcontract work to those competent to perform it, and the residential contractor's license does not preclude a person from working for a general contractor.

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

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. 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 Danny Boromei, Close Construction, LLC., filed on January 3, 2012. 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 Petitioner is required to obtain a plumber's license for construction on a municipal public works water distribution system.

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

Please refer all comments to: Drew Winters, 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 Paul J. Del Vecchio on October 18, 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. 44, of the November 4, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 11, 2011. The Board's Order, filed on December 29, 2011, grants the Petition for Declaratory Statement related to Section 489.105(3)(a), (b), and (c), Florida Statutes. Pursuant to Section 489.105(3), Florida Statutes, construction management as a service that oversees the management of construction activities on a given project is the exclusive purview of a licensed contractor.

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

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. 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 Mike Lefebvre, Diversified Window Solutions, filed on January 9, 2012. The petition seeks the agency's opinion as to the applicability of Section 489.105, Florida Statutes, as it applies to the petitioner.

The Petitioner does not state in his request which statute the Petitioner seeks the Board to interpret. However, Petitioner appears to be requesting an interpretation of Section 489.105, Florida Statutes, and whether a Division 1 contractor is required to have a Glass & Glazing License, in addition to a Division 1 Contractor's license, in order to install windows or do glazing on a building that falls within the scope of the license.

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

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

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