

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.

For more information, you may contact: Jeannie Garner, Financial Services Director, Florida League of Cities at (850)701-3649 or jgarner@flcities.com.

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#### **FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 5, 2008, 8:00 a.m.

PLACE: Tampa Bay Marriott-Waterside, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting to review and discuss budgets, programs, and other concerning issues regarding the FL Sports Foundation.

A copy of the agenda may be obtained by contacting: [www.info@flsports.com](http://www.info@flsports.com).

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#### **ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.**

The **Advocacy Center for Persons with Disabilities, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 11, 2008, 12:00 Noon through December 13, 2008 ending 12:00 Noon

PLACE: Embassy Suites Tampa Downtown, Convention Center, Skyway Conference Room, 513 S. Florida Avenue, Tampa, Florida 33602, (813)769-8300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advocacy Center for Persons with Disabilities, Inc., Florida's Protection and Advocacy Programs Quarterly Board of Directors Joint Meeting with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council).

A copy of the agenda may be obtained by contacting: Paige Morgan or Leslie Evans at (850)488-9071, ext. 219 or 231.

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 seven days before the workshop/meeting by contacting: The Advocacy Center for Persons with Disabilities, Inc., 2728 Centerview Drive, Suite 102, Tallahassee, Florida 32301, 1(800)346-4127. 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: Dawn Williams, Paige Morgan or Leslie Evans at (850)488-9071, ext. 218/219 or 231.

## 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. John Berry, AIA, on behalf of Cole & Russell Architects, Inc. on May 27, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-147. The Commission determined that Rule 9B-3.0472, Florida Administrative Code, only requires carbon monoxide detectors within the sections of the building identified by the Petitioner as areas where fossil fueled appliances are used, where these building sections are completely separated from other building sections by fire walls.

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.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. James Paula, Plans Examiner, on behalf of the St. Johns County Building Department on June 2, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-150. The Commission determined that Section 3109, Florida Building Code (2004 as amended 7/06 requires a pile foundation with a design ratio of pile spacing to pile diameter of not less than 8:1, for decks and stairs attached to the structure referred to by the Petitioner, which is located seaward of the coastal construction control line (CCCL), and that if any portion of the structure extends seaward of the CCCL, the bottom of the lowest horizontal structural member must be located above the 100 year storm elevation.

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.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Chris Shepherd, on behalf of System Component Corporation, on April 30, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-124. The Commission determined that roofing underlayments referenced in Section 201.2, item (c) of the Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, adopted by reference in Rule 9B-3.0475, F.A.C., must comply with ASTM D 226, Type I or II, or its equivalent.

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. Jerry Sparks, AIA, CBO, on behalf of the Hillsborough County Building Services Division on June 21, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-142. The Commission determined that the Florida Building Code allows the local building official to withhold a certificate of occupancy for enforcement of other laws and ordinances enforced by the building department.

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 from Mr. Walter A. Tillet, Jr., S.E., P.E. of TilTeco, Inc. on April 26, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-085. Insufficient information was provided for the Commission to dispose of the Petition. At the October 3, 2007, meeting of the Florida Building Commission, the Miami-Dade County Product Control Division (Petitioner) represented by Jamie Gascon, P.E., requested that the matter be resolved by the Commission and provided all information necessary for disposition. The Commission determined that the fasteners used to install a product which has been evaluated for Product Approval using testing methods to demonstrate compliance with the Code must be anchored in accordance with the fastener manufacturer's instructions, which have been evaluated to the materials standards referenced in the Florida building Code and/or in accordance with acceptable engineering practices.

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.

## **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 the Agency for Health Care Administration has received the petition for declaratory statement from American Health Associates Clinical Laboratory, Inc.

The Petition was filed with the Agency for Health Care Administration on October 16, 2008 and seeks a declaratory statement clarifying and superseding the Agency's July 7, 2008 Declaratory Statement. The statutory and administrative provisions that form the basis for the Petition are Sections 483.201(5), 483.245(1) and 400.17(2), Florida Statutes (2008) and Rule 59A-7.037, Florida Administrative Code.

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

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received the petition for declaratory statement from Ameritox Ltd. The petition seeks the agency's opinion as to the applicability of Sections 483.245 and 483.825(1)(q), Florida Statutes, and subsection 59A-7.020(15) and Rule 59A-7.037, Florida Administrative Code. as it applies to the petitioner.

The Petitioner is requesting that the Agency issue a declaratory statement advising whether providing a trained clerical representative in a physician's office to obtain patient information.

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

## **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 James Porter, Petitioner/Unit Owner, In RE: Highland Village Mobile Home Owners' Association, Inc., Docket No. 2008057907. The petition seeks the agency's opinion as to the applicability of Chapter 723, Florida Statutes, as it applies to the petitioner.

Whether “bona fide owner of a mobile home” means only a person who is named on the title to the home under Section 723.075(1), Florida Statutes (2007).

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 Chandler Sweetser, Petitioner, In RE: Pelican Cove Condominium Association, Inc., Docket No. 2008058052. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether Section 718.111(11)(g)1, Florida Statutes, (2008) requires Pelican Cove Condominium Association, Inc. to assess the insurance cost of each building against only the unit owners in each building.

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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#### **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**

The Board of Medicine hereby gives notice that the Petition for Declaratory Statement filed on behalf of Garrett Gause, M.D., on August 21, 2008, has been withdrawn.

The person to be contacted with regard to this petition is: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Debra Shelby, ARNP. The petition seeks the agency’s opinion as to the applicability of Chapter 646, F.S., as it applies to the petitioner.

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on July 28, 2008 by Debra Shelby, RN. The Petitioner seeks the Board’s interpretation of the application of Chapter 646, F.S., Nursing Practice Act. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under the provisions of Chapter 646, F.S., (1) whether it is within the scope of practice to allow RNs or LPNs to perform skin cancer screening assessments; (2) whether it is within the scope of practice to allow RNs or LPNs to perform skin cancer screening assessments even with formal training; (3) if the Board deems that such practice is within the scope of RNs/LPNs, who it is that determines the level of training and hours adequate to train these professions.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Anthony C. Apfelbeck, Petitioner, a Fire Official with the City of Altamonte Springs, FL with the responsibility of enforcing the Florida Fire Prevention Code on October 16, 2008. The following is a summary of the agency's disposition of the petition:

Petitioner seeks an interpretation of Section 718.112, F.S.; Section 633.0215, F.S., and Fire Prevention Code 31.3.4.1.1, as it pertains to Petitioner’s particular set of circumstances. Capistrano Condominiums has voted to “forgo retrofitting a fire alarm system and/or engineered life safety system of any kind.” The Declaratory Statement answers the petition by Part one of the question asks whether a fire alarm system is an engineered life safety system. See Tavss, James M., Community Manager, Ro-Mont South Executive Council, case number 83852-05-FM, which explains that a fire alarm system is not in and of itself an engineered life safety system. Part two of the question asks whether the Capistrano Association may opt out of installing a fire alarm system as provided in Section 718.112, Florida Statutes. The Department is not authorized to issue declaratory statements that apply another Department’s

statutes to the Petitioner’s particular set of circumstances, but notes that the Department of Business and Professional Regulations has answered a similar question in the negative in a Declaratory Statement captioned, In Re the Petition of James M. Tavss, Community Manager, Ro-Mont South Executive Council, Inc., case number 2006044670. Question: Does Capistrano Association’s vote or “Certificate Attesting to Vote for Waiver of Engineered Lifesafety System Requirements for Capistrano allow the Capistrano Association to forgo the retrofitting of a fire alarm system required by the NFPA 101-31.3.4.1.1?” Answer: The Code requires that apartment buildings with more than eleven dwelling units be provided with a fire alarm system. Whether the buildings in question can opt out of the Code requirements under the provisions of Section 718.112, Florida Statutes, is not within the Department’s jurisdiction to answer.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340 or (850)413-3604, (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:**

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-323, Chemistry/Chemical Biology Building and Renovation of Existing Facility, Gainesville, Florida.

This project will provide approximately 100,000 GSF for modern undergraduate teaching laboratories, classrooms, teaching support, graduate research laboratories, and offices. The new building will provide a centralized home for lower-level undergraduate chemistry instruction. It will also provide state-of-the-art research facilities for faculty and graduate students working in the areas of chemical biology and chemical synthesis. This project will include new construction and renovation of existing facilities to comply with the Program requirements.

The estimated construction budget is approximately \$49,000,000. The project will be delivered using the Construction Manager at Risk method. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$3,000,000 and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be