

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: Trudy Gerena, Public Information Officer, (813)299-3579.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 5:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn Express Hotel & Suites Bradenton West, 4450 47th Street West, Bradenton, Florida 34210

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will host an open house to provide details on the upcoming pipe replacement project on State Road 684/Cortez Road from 51st Street West to 26th Street West in Bradenton, Florida. Improvements being made as part of this project consist of replacement of drainage pipes just east of 51st Street West, at the intersection of 30th Street West and Cortez Road, and at the intersection of 26th Street West and Cortez Road. There will be no formal presentation. Project staff will be available to answer questions regarding access to businesses, lane closures and other project related information.

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: Robin Parrish, District One Title VI Coordinator, (863)519-2675 or by email at robin.parrish@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).

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

### **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 has received the petition for declaratory statement from Dixie Bar & Grill Case No. 2012-030962 on July 2, 2012. The petition seeks the agency's opinion as to the applicability of Section 563.02, Florida Statutes, as it applies to the petitioner.

The Petitioner requests a declaratory statement in regards to a proposed self contained micro brewery which shall be connected to the existing building Dixie Bar & Grill via permanent awning/roof structure. The Petitioner request

clarification as to whether a CMBP license to brew beer for consumption on premises only is needed to operate the business under Section 563.02, Florida Statutes.

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 Assistant General Counsel, Department of Business and Professional Regulations, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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 Thomas W. Becker and Carol A. Becker, In Re: Topaz Oceanfront Condominium Association, Inc., Docket No. 2012030696 on July 11, 2012. The petition seeks the agency's opinion as to the applicability of Section 718.113(5), Florida Statutes, as it applies to the petitioner.

Whether a unit owner at Topaz Oceanfront Condominium Association, Inc. may install hurricane shutters where the board has not adopted hurricane shutter specifications but has approved storm glass/laminated glass installation under Section 718.113(5), 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.

NOTICE IS HEREBY GIVEN that 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 Jessica Svenson, Petitioner, In Re: Florencia Condominium Association, Inc., Docket No. 2012030706 on July 13, 2012. The petition seeks the agency's opinion as to the applicability of none cited as it applies to the petitioner.

Whether the unit owner or the association is responsible for repairing a refrigerant line connecting the HVAC system located outside the unit to the handler located inside the unit under ambiguous provisions in the Florencia Condominium Declaration.

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 Florida Building Commission has received the petition for declaratory statement from Kavita A. Vallabhaneni, Manager/Product Marketing of Baltimore Aircoil Company. The petition seeks the agency's opinion as to the applicability of Section 553.844(4), Florida Statutes, as it applies to the petitioner.

The petitioner requests clarification regarding the applicability of Section 553.844(4), Florida Statutes, wind load requirements to petitioner's product of cooling tower structural systems and the expiration date of the statutory provision.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2203, (850)921-0342.

Please refer all comments to: Mo Madani, CBO Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

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NOTICE IS HEREBY GIVEN that on July 11, 2012, the Board of Accountancy has received the petition for declaratory statement from Jonathan D. Marseglia, Esq. The petition seeks the agency's opinion as to the applicability of Section 473.306, F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 473.306, F.S., and paragraphs 61H1-27.002(2)(a) and 61H1-27.002(3)(a), Florida Administrative Code, and whether based on the circumstances listed in the petition, that the petitioner satisfies the educational requirements for licensure in the rules and statute.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on June 22, 2012, the Board of Pharmacy has received the petition for declaratory statement from Armor Correctional Health Services, Inc. The

petition seeks the agency's opinion as to the applicability of Section 465.0276, Florida Statutes, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Section 465.0276, Florida Statutes, as to whether pre-pouring patient-specific medication to be administered by nurses to inmates is considered dispensing under that section.

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

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NOTICE IS HEREBY GIVEN that on July 13, 2012, the Board of Pharmacy has received the petition for declaratory statement from Nova Southeastern University. The petition seeks the agency's opinion as to the applicability of Section 465.189, Florida Statutes, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Section 465.189, Florida Statutes, as to whether pre-professional education could be sufficient to meet the requirements under that section to administer vaccines.

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

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#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by the Campbell Property Management Corporation on April 17, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 18, of the May 4, 2012, Florida Administrative Weekly. The Petitioner, a licensed community association management firm, seeks a determination by the Department that its described contemplated proposal to receive fees from insurance agencies in return for referring their clients to the agencies do not: 1) constitute an "unlawful inducement" as that term is used in Section 626.9541(1)(h), Florida Statutes; 2) do not constitute unlawful commission sharing by insurance agents with unlicensed persons; and 3) are not otherwise prohibited under Chapter 626, Florida Statutes. The Department's Order, filed on July 13, 2012, issues a declaratory statement that Sections 626.9541(1)(h), 626.112(8) and 626.753, Florida Statutes, do not prohibit the Petitioner from receiving referral fees from insurance agencies. However, depending on the actual terms of any referral fee agreement between the Petitioner and insurance agencies, Sections 626.9541(1)(h)1.b., 626.112(8) and 626.753, Florida Statutes,

may prohibit the agencies from paying referral fees as determined in accordance with the proposed agreement as described in the Petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services Room 612A, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0333.

Please refer all comments to: Mr. Butler.

**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 disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

Project: UF-286, Harrell Medical Education Building (Main Campus)

The project consists of a four story approximately 94,000 GSF facility that will provide current and innovative teaching laboratories and support facilities which respond to the latest trends toward small-group learning, the use of simulators and standardized patients for professional development and assessment, state of the art information technology, and access to information in a wireless environment. Space will be provided to allow for distance learning opportunities for the urban campus in Jacksonville and other sites as required.

The scope of services shall include design phase peer review; completion and maintenance of the Owner's Project Requirements (OPR) document; development of the Commissioning Plan, Commissioning Specifications, and Systems Manual; and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and attain at a minimum (Gold) LEED certification, with platinum being preferred. This project will also participate in the Living Building Challenge and support in this endeavor will also be required.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed, project-specific Commissioning proposal form with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for the applicant and its consultants from the appropriate governing board.