

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.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Declaratory Statement filed on July 19, 2005, by Jacqueline Watts. The Petitioner seeks the Board’s interpretation of Section 489.105(3)(f),(g),(i), and (m), F.S., with regard to (1) the venting of Carbon Monoxide as it relates to the installation and servicing of LP Gas appliances within the scope of Class A Air Conditioning, Class B Air Conditioning, and Mechanical Contracting licenses; (2) the connecting and disconnecting of LP gas appliances during changeouts, installation, or service as it relates to the scope of a plumbing contractor’s license; and (3) the installation or servicing of “outdoor” LP piping as it relates to a plumbing contractor’s license. The Board will consider the Petition at its meeting to be held on August 10-12, 2005, in Ponte Vedra Beach, Florida.

Copies of the petition may be obtained by writing: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by SUNRISE COMMUNITY, INC., on December 21, 2004. The following is a summary of the agency’s disposition of the petition:

Question A.: Are all authorities having jurisdiction in Florida compelled to comply with the provisions of Florida Administrative Code, Chapter 69A, when inspecting residences for persons with developmental disabilities?

Response to Question A.: Yes. Authorities having jurisdiction must apply the prescribed code requirements of the uniform rules listed in Chapter 69A-38, Florida Administrative Code, for each uniform facility. Each time a facility is cited for a violation, the authority having jurisdiction must provide the basis (statute, rule, code, or standard) for the violation.

16.B. Question B.: Can any authority having jurisdiction in Florida apply an occupancy chapter of the NFPA 101 Life Safety Code to a Florida residential facility for people with disabilities other than the occupancy chapter specified in Chapter 69A-38, F.A.C.?

Response to Question B.: As stated in the discussion section, the standards found in Chapter 69A-38, F.A.C., must be applied, assuming the facility is providing the services for which it has been licensed. However, if the facility is providing services in addition to or other than the services for which it has been licensed, the authority having jurisdiction must either (i) require the facility to discontinue providing such services, or, if the facility fails or refuses to discontinue providing such services, (ii) reclassify the facility for the services which it is actually providing and inspect the facility under the reclassified standards.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or fax your request to (850)922-1235. An unsigned but exact copy is also available on the Division of State Fire Marshal website: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.

**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