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## 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 a Declaratory Statement in response to a request received from Interplan, LLC. on April 7, 2005. It was assigned the number DCA05-DEC-072. The Commission determined that the exception for vertical accessibility contained in §11-4.1.3(5), Florida Building Code, Building Volume, applied to the project barn.

A copy of the Declaratory Statement can be obtained by writing: 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 a Declaratory Statement in response to a request received from John L. Clinton of Class 1, Inc. on May 18, 2005. It was assigned the number DCA05-DEC-088. The Commission concluded that the Petitioner, a manufacturer of roof underlayment, should apply the 2003 edition of the ASTM D 6380 when seeking approval of its products pursuant to Rule 9B-72, F.A.C.

A copy of the Declaratory Statement can be obtained by writing: 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 a Declaratory Statement in response to a request received from Anirudh A. Chopde of Walker Parking Consultants, which was received on May 20, 2005 and amended on June 16, 2005. It was assigned the number DCA05-DEC-089. The Commission concluded that in relation to the parking garage described in the petition, for purposes of applying §406.3.6, Florida Building Code, Building Volume (2004), the definition of "interior area" means the area within the limiting surface of the boundary and, therefore, the clear height is the distance between the top of the floor slab and underside of the beam.

A copy of the Declaratory Statement can be obtained by writing: 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 received a request for Declaratory Statement on August 9, 2006, from Bob Alligood, Ice House America, LLC, regarding whether the building described in the petition is a manufactured building subject to Rule Chapter 9B-1, F.A.C., or whether it fits in the exemption for one-of-a-kind buildings contained in Vol. I, Chapter 553, F.S. It has been assigned the number DCA06-DEC-189.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on August 18, 2006, from Warren Schaefer, P.E., regarding whether methods of anchoring doors, other than those included in the scope of the doors' approval pursuant to Rule Chapter 9B-72, F.A.C., can be utilized providing they are reviewed and certified by a Florida licensed inspector. It has been assigned the number DCA06-DEC-200.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on August 18, 2006, from Warren Schaefer, P.E., regarding wind load analysis for windows and shutters and the definition of the area to be considered pursuant to Chapter 16, Florida Building Code (2004). It has been assigned the number DCA06-DEC-201.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on August 28, 2006, from Florida Roofing Sheet Metal & Air Conditioning Association, Inc. regarding the use of step flashing and "L" flashing in residential construction pursuant to § 905.2.8.4, Florida Building Code, Residential Volume (2004). It has been assigned the number DCA06-DEC-212.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on September 1, 2006, from WindTripper Corporation regarding

whether approval pursuant to Rule Chapter 9B-72, F.A.C., is available to the petitioner's roof wind spoiler system. It has been assigned the number DCA06-DEC-215.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on September 1, 2006, from Eddie Fischer regarding whether approval pursuant to Rule Chapter 9B-72, F.A.C., is available to the petitioner's polypropylene accessories for reinforcement of concrete. It has been assigned the number DCA06-DEC-216.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on September 6, 2006, from the City of Cape Coral regarding application of Table 503, Florida Building Code, Building Volume (2004), to the circumstance where property underneath a building is owned by a separate party. It has been assigned the number DCA06-DEC-218.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on September 8, 2006, from the Emil Veksenfeld, P.E., regarding renovations to high rise residential buildings in the high velocity hurricane zone and whether that work requires inspection by a special inspector of threshold buildings pursuant to Chapter 553, F.S., and Chapters 1, 2 and 34, Florida Building Code, Building Volume (2001) and the Florida Building Code (2004). It has been assigned the number DCA06-DEC-220.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on October 2, 2006, from Michael Griffin of Fugleberg Koch regarding the definitions of "townhouse" and "property line" pursuant to §202, Florida Building Code, Residential Volume (2004). It has been assigned the number DCA06-DEC-250.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on October 2, 2006, from Christopher M. Spence regarding the requirements for egress width pursuant to §1005.1, Florida Building Code, Building Volume (2004). It has been assigned the number DCA06-DEC-252.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on October 18, 2006, from CSP Roof Consultants regarding whether §507.2.2, Florida Building Code, Existing Building Volume (2004), requires checking the type, size and placement of the fasteners which attach roof sheathing to structural supports and the installation of additional fasteners if found to be deficient. It has been assigned the number DCA06-DEC-270.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on October 26, 2006, from Jack McLaughlin of V.P. Sales and Marketing regarding whether a product to secure plywood to a window opening is subject to approval pursuant to Rule Chapter 9B-72, F.A.C., and if so the standards and requirements applicable to the product. It has been assigned the number DCA06-DEC-273.

A copy of the request may be obtained by writing: 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 Department of Community Affairs received a request for Declaratory Statement on November 3, 2006, from St. Pete Partners, LLC. The petition seeks the agency's opinion on four questions. First, whether the effectiveness of a comprehensive plan amendment may be suspended by operation of a City charter. Second, whether a comprehensive plan amendment may be repealed by referendum. Third, whether a comprehensive plan amendment supersedes existing, inconsistent land development regulations. Fourth, whether the failure of a local jurisdiction

to adopt plan amendments by popular referendum subjects that local government to sanctions, allows the regional planning council to submit amendments to the plan, or otherwise subjects the local judicial or administrative requests for relief by affected entities. It has been assigned the number DCA06-DEC-281.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on November 3, 2006, from ITW Buildex regarding whether a product used to attach exterior sheathing to light gauge steel framing is subject to Rule Chapter 9B-72, F.A.C. It has been assigned the number DCA06-DEC-282.

A copy of the request may be obtained by writing: 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 received a request for Declaratory Statement on November 6, 2006, from Hurricane Harness Corporation regarding whether tie down straps intended to secure the roof structure to its vertical wall structure for wind resistance purposes is subject to Rule Chapter 9B-72, F.A.C. It has been assigned the number DCA06-DEC-283.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **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."

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Inverness Village Condominium Association, Inc.; Docket No. 2006056782. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(a)1. and 718.111(1)(b), Florida Statutes, as it applies to the petitioner.

Whether directors and officers who directly participated in the clean up and code compliance efforts following Hurricane Wilma may be compensated for their work under Section 718.112(2)(a)1., Florida Statutes, and if so, may the directors to be compensated vote or abstain from voting on the question under Section 718.111(1)(b), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, 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 Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Joseph Carpenito, Unit Owner, Seaquay Condominium Association, Inc.; Docket No. 2006056806. The petition seeks the agency's opinion as to the applicability of Sections 718.111(11)(a) and 718.113, Florida Statutes, as it applies to the petitioner.

Whether Seaquay Condominium Association, Inc. may special assess unit owners to rebuild a portion of the condominium property, a storm-damaged ocean pier, which is not covered by property casualty insurance in its present condition, without a unit owner vote under Sections 718.111(11)(a) and 718.113, 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 Florida Land Sales, Condominiums, 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 Land Sales, Condominiums, 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."

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Board of Medicine has declined to rule on the petition for declaratory statement filed by My Medical CD, Ltd. on July 21, 2006. The following is a summary of the agency's declination of the petition:

The Petition was published in Vol. 32, No. 35, of the September 1, 2006, F.A.W. The Board reviewed the petition at its meeting held on October 7, 2006, in Tampa, Florida. The Board's Final Order, filed in this matter on October 31, 2006, declines to answer the Petition because the Petitioner failed to demonstrate that it is substantially affected by the application of Section 456.054(1), Florida Statutes, to the circumstances it has presented, and therefore, lacks the requisite standing to obtain a Declaratory Statement from the Board of Medicine.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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**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**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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**Section IX**

**Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges**

**NONE**

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**Section X**

**Announcements and Objection Reports of the Joint Administrative Procedures Committee**

**NONE**

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**Section XI**

**Notices Regarding Bids, Proposals and Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**INVITATION TO BID**

As a Contractor, you are invited to submit a bid to the Florida Department of Agriculture and Consumer Services, Division of Forestry, hereinafter referred to as Owner, for the site work preparation for the construction of building facilities at Indian River County Forestry Station and School District of Indian River County Agricultural Facility, located at 5235 and 5245 41st Street, Vero Beach, Florida. The Project Budget is estimated to be: \$300,000.00.

The Department is seeking a Contractor for site work preparation at the Indian River County Forestry Station and School District of Indian River County Agricultural Facility. The contractor shall provide all materials, labor, equipment and inspection fees necessary for the site work preparation for the construction of facilities in accordance with the terms and conditions of the Invitation to Bid.

**PROJECT NAME AND LOCATION:** Indian River County Forestry Station, site-work preparation located at 5235 and 5245 41st Street, Vero Beach, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DF-06/07-49, or by calling the Purchasing Office at (850)487-3727.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on December 6, 2006, at 10:30 a.m., at the offices of Carter Associates, 1708 21st Street, Vero Beach, Florida 32960. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Specifications will be available at the mandatory pre-bid conference/site visit.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a