

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from the City of Jacksonville, Department of Planning and Development, DCA09-DEC-053. The petition seeks the agency's opinion as to the applicability of section 105.15, Florida Building Code, Building Volume (2007, 2009 Supplement), as it applies to the petitioner.

The Petitioner asks whether section 105.15, Florida Building Code, Building Volume (2007, 2009 Supplement) requires windborne debris protection to be installed throughout the residence when an alteration and addition costing \$750,000 is performed on a house that was appraised at \$844,000 prior to alteration and addition, and the house was originally constructed under the 2001 Florida Building Code and is located within the windborne debris region.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Fine Tooth Comb Investigations, Inc., DCA09-DEC-055. The petition seeks the agency's opinion as to the applicability of Section 553.791, Florida Statutes, and section 105.14, Florida Building Code, Building Volume (2007), as it applies to the petitioner.

The Petitioner asks if, when a building official allows a licensed architect or engineer to provide plan review and/or inspection services under seal pursuant to section 105.14, Florida Building Code, Building Volume (2007), the architect or engineer is subject to the private provider provisions of Section 553.791, Florida Statutes, for construction lien purposes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Fine Tooth Comb Investigations, Inc., DCA09-DEC-056. The petition seeks the agency's opinion as to the applicability of Section 553.791, Florida Statutes and section 106.6, Florida Building Code, Building Volume (2007), as it applies to the petitioner.

The Petitioner asks if a licensed architect or engineer who provides plan review and/or inspection services under seal, pursuant to section 106.6, Florida Building Code, Building Volume (2007), is subject to the private provider provisions of Section 553.791, Florida Statutes, for construction lien purposes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from St. Johns County, Florida, Building Department, DCA09-DEC-062. The petition seeks the agency's opinion as to the applicability of section 105.15, Florida Building Code, Building Volume (2007, 2009 Supplement), as it applies to the petitioner.

The Petitioner asks whether section 105.15, Florida Building Code, Building Volume (2007, 2009 Supplement) applies only to site-built single family residential structures, or all buildings located within windborne debris region, and whether it requires opening protections for buildings built before July 1, 2007 using partially enclosed engineering as an alternative to opening protections.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Bhamani, Ford & Associates, Inc., DCA09-DEC-009. The petition seeks the agency's opinion as to the applicability of 402.1, 402.2, and 402.3, Florida Building Code, Mechanical Volume, 2004 (as amended) as it applies to the petitioner.

The Petitioner asks for clarification as to the ventilation requirements under sections 402.1, 402.2, and 402.3, Florida Building Code, Mechanical Volume (as amended) for a project containing retail space and 1250 square foot warehouse.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Fine Tooth Comb Investigations, Inc., DCA09-DEC-051. The petition seeks the agency's opinion as to the applicability of Section 713.135(6), Florida Statutes, and section 106.6, Florida Building Code, Building Volume (2007) as it applies to the petitioner.

The Petition asks whether Section 713.135(6), Florida Statutes, and section 106.6, Florida Building Code, Building Volume (2007) allow a licensed contractor to grant authority to an unlicensed person, via a power of attorney or agency letter, to sign a building permit application on the licensed contractor's behalf.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Florida Roofing Sheet Metal & Air Conditioning Contractors Association, Inc., DCA09-DEC-025. The petition seeks the agency's opinion as to the applicability of sections 611.7.1.1 and 611.7.1.2, Florida Building Code, Existing Building Volume, 2007 (as amended), as it applies to the petitioner.

The Petitioner asks for clarification as to the nail diameter requirements of sections 611.7.1.1 and 611.7.1.2, Florida Building Code, Existing Building Volume, 2007 (as amended) when re-nailing the roof deck in a single family home.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

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."

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 Brickell Bay Club Condominium Association, Inc., Petitioner, In Re: Brickell Bay Club Condominium Association, Inc., on March 4, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes (2008), as it applies to the petitioner.

Whether Brickell Bay Club Condominium Association, Inc. must vote to reaffirm a bylaw amendment establishing 2-year staggered terms passed by a majority of unit owners other than the developer in 1989 under Section 718.112(2)(d)1., Florida Statutes (2008).

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 32399-1031.

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 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 Gary Ziomek, Petitioner, In Re: The Jupiter Beachcomber Condominium Association, Inc., Docket No. 2009009205. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes (2008), as it applies to the petitioner.

Whether a unit owner, who was convicted of a felony and whose civil rights were restored in March 2007, is eligible to be a candidate for election to the Jupiter Beachcomber Condominium Association, Inc. board of directors in 2009 under Section 718.112(2)(d)1., Florida Statutes (2008).

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 the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by David H. Rogel, Attorney for the Sea Isle Condominium Association, Inc., Docket No. 2008066956 on December 5, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division may not address issues that have already taken place.

A copy of the Order Declining 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 32399-1031.

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 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 Jeanne Tiedeman, Petitioner, In Re: Tymber Skan on the Lake Owners Association, Section Three, Inc., Docket No. 2009011717 on February 27, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.103(2), Florida Statutes, subject to regulation under Condominium Act, Chapter 718, Florida Statutes as it applies to the petitioner.

Whether Tymber Skan on the Lake Owners Association, Section Three, Inc. is a condominium association as defined by Section 718.103(2), Florida Statutes, subject to regulation under Condominium Act, Chapter 718, 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 32399-1031.

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.

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 Department of Health has issued an order disposing of the petition for declaratory statement filed by Warren R. Ross, Esq., on behalf of Carl and Diane Baker on December 11, 2008. The following is a summary of the agency's disposition of the petition:

Petitioners contend that they are entitled to an exemption from the requirements that they have a third party maintenance entity inspect and maintain their system, and seek a determination from the Department that they are exempt from the requirements as set forth in the Petition and all related statutes. The exemption in Section 381.0065(4), Florida Statutes, however, applies only to the contractor registration requirements established in Part III of Chapter 489, Florida Statutes, and the rules promulgated thereunder. This statutory

exemption has allowed homeowners to maintain and repair the onsite sewage treatment and disposal system that serves their own, owner-occupied single family residence. The exemption does not relieve homeowners from other requirements imposed by law. Accordingly, upon a showing to the Department that Petitioners meet non-registration requirements imposed by law, in particular the provisions of paragraphs (4)(a)-(c), of Rule 64E-6.012, Florida Administrative Code, Petitioners may, in lieu of entering into a maintenance agreement with an approved maintenance entity, maintain and repair the onsite sewage treatment and disposal system serving their owner-occupied single-family residence located in Punta Gorda, Florida. Among other conditions, the non-registration requirements also include an annual inspection of Petitioners' aerobic treatment unit by the Department.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

Please refer all comments to: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

**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