

## 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 Paul E. Radauskas, General Manager, Sarasota County Planning and Development Services. It was assigned the number DCA10-DEC-085. The petition seeks the agency's opinion as to the applicability of section 3109, Florida Building Code, Special Construction Volume (2007, with 2009 supplement) as it applies to the petitioner, a building official. as it applies to the petitioner.

The petitioner asks if two proposed modifications to single family dwellings located seaward of the FDEP/FBC coastal construction control line (the CCCL zone) require elevation of the structure on a pile foundation, under section 3109, F.B.C. The first proposed modification involves the construction of new walls and a second story floor and roof, but stays within the footprint/perimeter of the existing foundation, which has been determined adequate to support the proposed modifications. The cost of the modification will exceed 50% of the market value of the existing building. The second proposed modification is similar, but involves horizontal additions outside the perimeter of the existing foundation.

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 Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from George Merlin, President, George Merlin Associates, Inc. It has been assigned the number DCA10-DEC-091. The petition seeks the agency's opinion as to the applicability of section 3109, Florida Building Code, Special Construction Volume (2007, with 2009 supplement) as it applies to the petitioner, involves the same proposed modifications to single family dwellings as DCA10-DEC-085, and is a request for clarification of a previously issued declaratory statement, DCA09-DEC-347, as it applies to the petitioner.

The petitioner asks if two proposed modifications to single family dwellings located seaward of the FDEP/FBC coastal construction control line (the CCCL zone) is exempt, without limit on cost, from the requirements of section 3109, F.B.C., as to design standards for new construction. The first proposed modification involves the construction of new walls and a second story floor and roof, but stays within the footprint/perimeter of the existing foundation, which has been determined adequate to support the proposed modifications. The cost of the modification will exceed 50% of the market

value of the existing building. The second proposed modification is similar, but involves horizontal additions outside the perimeter of the existing foundation.

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 Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Paul T. Myers, Building Official, Putnam County, Florida, on May 7, 2010. The petition seeks the agency's opinion as to the applicability of Section 553.791, F.S., as it applies to the petitioner, a building official. as it applies to the petitioner.

Petitioner asks if it is both ethical and lawful for a county or municipality to contract for, and accept, the services of a private provider (an individual, firm, or corporation) to serve as a building code administrator or building official for the purpose of enforcing the Florida Building Code, in lieu of direct employment as a county or municipal employee.

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 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."

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation has received the petition for declaratory statement from Quality Dairy Farms, Inc., owner/operator of Mercer's Dairy Docket Number DS 2010-045. The petition seeks the agency's opinion as to the applicability of Section 561.01(4)(a), Florida Statutes, as it applies to the petitioner.

The Petitioners request a declaratory statement inquiring whether Mercer's Wine Ice Cream, a product marketed as a solid, frozen dessert, yet flavored with real wine and containing more than one half of 1 percent alcohol by volume, can be classified as a nonbeverage product in accordance with Section 561.01(4)(a), Florida Statutes; and, based on the use of wine primarily as a flavoring and the marketing of the product only for consumption as a solid dessert, whether the Division can relinquish its jurisdiction over said product.

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, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 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 on June 25, 2010, the Board of Physical Therapy Practice has received the petition for declaratory statement from Ian Ross. The petition seeks the agency's opinion as to the applicability of paragraph 64B17-9.001(6)(a), F.A.C. as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding the Board's interpretation of paragraph 64B17-9.001(6)(a), F.A.C., and whether petitioner, as a faculty member in a relevant program, can offer continuing education hours to the licensees. Petitioner also seeks clarification as to whether a licensee whom offers continuing education hours under these circumstances, would find them acceptable to the Board.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from filed on or before June 28, 2010, from the City of Deerfield Beach Fire and Rescue. The petition seeks the agency's opinion as to the applicability of NFPA 101, Life Safety Code Section, Florida 2007 Edition, 9.6.2.3. as it applies to the petitioner.

Petitioner requests a declaratory statement regarding the intent of the code as to the relocation of the installed fire alarm manual pull boxes at Century Village, Deerfield Beach, Florida.

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

**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."