

A copy of the agenda may be obtained by contacting: Public Information Specialist, Jeannette Lazo at (305)470-5349, email: Jeannette\_Lazo@urscorp.com.

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: Brian Rick at (305)470-5349 or in writing: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, email: brian.rick@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). 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).

For more information, you may contact: Public Information Specialist, Jeannette Lazo at (305)470-5349, email: Jeannette\_Lazo@urscorp.com.

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### CARLSON STUDIO MARKETING

The Florida **Department of Transportation**, District One announces a workshop to which all persons are invited.

DATE AND TIME: September 20, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: State College of Florida, Neel Performing Arts Center, 5840 26th St., W., Bradenton, FL 34207

DATE AND TIME: September 21, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: Morgan Center, 1st Floor, Meeting Room, 6207 West Price Blvd., North Port, FL 34288

DATE AND TIME: September 22, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: Selby Library, Jack J. Geldbart Auditorium, 1331 First St., Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: The “open house style” forums will provide attendees with the SMART Connect Study background and the current status of the study. Public involvement is key to the success of the project. Attendees will have a chance to offer opinions on viable modes of premium transit and potential corridors that would best meet their needs and stimulate future economic development. The workshops are a platform for participants to offer any questions or concerns regarding the SMART Connect Study and current or future transit developments.

For more information, please visit: [www.SMARTConnectStudy.com](http://www.SMARTConnectStudy.com).

A copy of the agenda may be obtained by contacting: Grace Carlson, (941)362-3011.

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 48 hours before the workshop/meeting by contacting: Robin Parrish, (863)519-2675. 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).

For more information, you may contact: Grace Carlson, APR, LEED GA, Carlson Studio Marketing, (941)362-3011 or [Grace@CarlsonEcoMarketing.com](mailto:Grace@CarlsonEcoMarketing.com).

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

### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has declined to rule on the petition for declaratory statement filed by Jimmy R. Smith on June 16, 2011. The following is a summary of the agency’s declination of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 26 of the Florida Administrative Weekly. The Petition alleged the invalidity of Rule 33-401.401, F.A.C., and requested that the Department immediately halt implementation of the rule. The Department of Corrections denied the petition for declaratory statement because the Petitioner lacks standing to request the declaratory statement and because the petition was not a proper subject for declaratory statement, as it amounted to a challenge to the validity of the rule.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Kendra L. Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500 or email: [jowers.kendra@mail.dc.state.fl.us](mailto:jowers.kendra@mail.dc.state.fl.us).

Please refer all comments to: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500 or email: [jowers.kendra@mail.dc.state.fl.us](mailto:jowers.kendra@mail.dc.state.fl.us).

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Professions has received the petition for declaratory statement from Mark A. Cramer on July 1, 2011. The petition seeks the agency’s opinion as to the applicability of Sections 468.841(1)(d) and 468.8411, Florida Statutes, as it applies to the petitioner.

Can licensed home inspectors, operating within the scope of licensure, inspect for the presence or absence of mold, or sample and identify the presence of mold if any visible mold is less than 10 sq. ft. in area? Also, can licensed home inspectors, when operating within the scope of licensure, offer and advertise mold testing, sampling, and inspections if they are not holding themselves out as a “mold assessor”? Also, can anyone perform mold testing, mold sampling, or mold

inspections if they are not holding themselves out as a “mold assessor” and if they have no prior knowledge of conditions in the home?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

Please refer all comments to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Professions has received the petition for declaratory statement from Reliable Reports of Texas, d/b/a Reliable Reports, Inc. on August 2, 2011. The petition seeks the agency’s opinion as to the applicability of Section 468.8311(4), Florida Statutes, as it applies to the petitioner.

The Petitioner asks if its employees, who perform inspection services as described herein, are providing “home inspection services” pursuant to Section 468.8311(4), Florida Statutes, and are they required to be licensed as home inspectors.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

Please refer all comments to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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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 Shawn G. Brown, Esq. on behalf of Bel Mare Condominium Association, Inc., on August 25, 2011. The petition seeks the agency’s opinion as to the applicability of Section 718.110(4), Florida Statutes, as it applies to the petitioner.

What vote is required to assign a common element parking space to each of 10 penthouse units as a limited common element under Section 718.110(4), Florida Statutes, and the Declaration of Condominium for Bel Mare Condominium Association, Inc.

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 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 Ronald Gilch, Unit Owner, In Re: Greentree Villas Condominium Association, Inc. on July 25, 2011. The following is a summary of the agency’s declination of the petition:

The Division has closed its file as Petitioner voluntarily withdrew the Petition for Declaratory Statement.

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 32399-2217.

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 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 North Tower at the Point Condominium Association, Inc. and South Tower at the Point Condominium Association, Inc. on March 14, 2011. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a declaratory statement because the Master Association and the IDP owner are not condominium associations subject to the Division’s jurisdiction. The Division lacks jurisdiction to issue an opinion that will affect the interests of a party over which it lacks jurisdiction.

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 32399-2217.

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 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 Robert R. Smith, Board Member, In Re: Seven Springs Villas Association, Inc. on June 13, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement concerning events that have already taken place; or when the Division has not been provided with competent substantial evidence, which includes a complete, current set of governing documents.

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 32399-2217.

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 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 Elena Soutullo, In re: Kensington Condominium Association of Hialeah, Inc., Docket No. 2011042257, on August 25, 2011. The petition seeks the agency's opinion as to the applicability of Section 718.106, Florida Statutes, as it applies to the petitioner.

Whether Kensington Condominium Association of Hialeah, Inc. may charge a unit owner for the use of a parking space under the declaration and Section 718.106, 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.

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The Construction Industry Licensing Board hereby gives notice that on August 5, 2011, it received a Petition for Declaratory Statement filed by Jack Westenbarger. The Petitioner does not state in his request which statute the Petitioner seeks the Board to interpret. However, Petitioner

appears to be requesting an interpretation of Section 489.105(3), Florida Statutes, and whether installation of nitrogen charged "dry" condensing units is legal.

Copies of the petition may be obtained from: G.W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health has received the petition for declaratory statement from Collier HMA Physician Management, LLC, filed on August 26, 2011. The petition seeks the agency's opinion as to the applicability of [Section 458.3265(1)(a)2.c., Florida Statutes] Florida Statutes, as it applies to the petitioner.

The Petition cites the statute incorrectly. The issue relates to an exemption from registration as a pain-management clinic provision based upon the clinic being owned by a publicly held parent corporation whose shares are traded on a national exchange and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 Million.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy Tootle, Executive Director, Florida Board of Medicine, Florida Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399.

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NOTICE IS HEREBY GIVEN that the Department of Health has received the petition for declaratory statement from Ramirez and Weisman, Florida Medical Clinic (FMC) P.A. The petition seeks the agency's opinion as to the applicability of Section 458.3265, Florida Statutes, as it applies to the petitioner.

The petition provides background information about FMC, a multi-specialty group practice registered in three locations as pain-management clinics. It argues for a declaration of exemption from registration as pain-management clinics because of the surgical services codes used in 80 percent of the billings and because certain physicians in the clinics hold board certifications.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy Tootle, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Ara J. Deukmedjian, M.D., on August 23, 2011. The Petitioner requests the Board's interpretation of Section 456.44, Florida Statutes, as created in Section 3 of Chapter 2011-122, Laws of Florida. Specifically, the Petitioner asks the Board to find that the prescribing of controlled substances for the treatment of pain during the usual course of the disease or injury causing such pain is not the prescribing of controlled substances for the

treatment of “chronic nonmalignant pain” as defined in Section 456.44(1)(d), F.S., and that therefore, Petitioner is not required to register as a controlled substance provider as set forth in Section 456.44(2), F.S., as a result of such prescribing in the treatment of conditions set forth in the Petition. The Board will consider this petition at its meeting scheduled for September 30-October 1, 2011, in Tampa, Florida.

Copies of the petition may be obtained by writing: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Optometry hereby gives notice that on August 24, 2011, it received a Petition for Declaratory Statement filed by Nicholas Krevatas, O.D., seeking the Board’s guidance concerning use of The Online Appointment Book provided through Luxottica. The Board will address this petition at its next meeting on October 7, 2011.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3252.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued an order disposing of the petition for declaratory statement filed by Denise LeHeup, Broker and Jason C. Myers, Broker Associate on May 31, 2011. The following is a summary of the agency’s disposition of the petition:

The petition was granted, and it was determined that the proposed additional contractual services would not be considered “insurance” as defined by the code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Catharine Schoenecker at email: catharine.schoenecker@flor.com.

Please refer all comments to: catharine.schoenecker@flor.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**

**DEPARTMENT OF EDUCATION**

**NOTICE OF BID/REQUEST FOR PROPOSAL**

The Florida International University Board of Trustees announces that services in the discipline of Architecture/Engineering are required for the project identified below:

Project Name and Number: FIU Stadium Expansion & Master Plan, BT-842

Project Location: Modesto A. Maidique Campus (MMC), Miami, Florida

Project Description: The scope of work for this project shall be broken down into three components:

1. Programming & Master Planning (Component 1) – Shall include development of a comprehensive plan for the short term and long term development of the existing FIU Football Stadium.
2. North side stadium seating (Component 2) – Complete construction of the lower level seating and concourse to essentially match the existing lower level south side seating and concourse.