

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 1 day before the workshop/meeting by contacting: Heather Cave at (850)298-6640. 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: Heather Cave at (850)298-6640.

#### **BABCOCK RANCH INC.**

The **Babcock Ranch Inc.**, Board of Directors announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 10, 2011, 9:00 a.m.

PLACE: Dial In Number: (904)596-2362, Participant Code: 63683903#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subject matter includes but is not limited to: Management Agreement Status; Leasing Opportunities; Funding, Wed Site Development, etc. The Board will not be taking public testimony or comments during this call, but are invited to listen in as an audience.

A copy of the agenda may be obtained by contacting: Debbie Upp at [execassistant@archbold-station.org](mailto:execassistant@archbold-station.org).

#### **FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOC., INC.**

The **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 15, 2011, 10:00 a.m.

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet regarding the general business of the Association. The agenda includes but is not limited to: Receiver's Report, Legal Report, Claims Report, Operations Report and Financial Report.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

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#### **HDR, INC.**

The Florida **Department of Transportation**, District Three announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 30, 2011, 5:00 p.m. – 6:00 p.m.

PLACE: Gulf Breeze United Methodist Church, Soundside Campus Community Life Center, 4115 Soundside Drive, Gulf Breeze, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will conduct a public information meeting regarding the resurfacing, rehabilitation and restoration of State Road 30 (US 98) from the Pensacola Bay Bridge to the Gulf Breeze Zoo entrance in Santa Rosa County, Florida. The proposed improvements include resurfacing the existing travel lanes, minor drainage, bicycle/pedestrian, and Americans with Disabilities Act (ADA) accessibility improvements.

A copy of the agenda may be obtained by contacting: Bill Howell, Atkins Project Manager, (850)638-2288 or via e-mail at [bill.howell@atkinsglobal.com](mailto:bill.howell@atkinsglobal.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 seven days before the workshop/meeting by contacting: Bill Howell, Atkins Project Manager, (850)638-2288, or via e-mail at: [bill.howell@atkinsglobal.com](mailto:bill.howell@atkinsglobal.com). 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: Bill Howell, Atkins Project Manager, (850)638-2288, or via e-mail at [bill.howell@atkinsglobal.com](mailto:bill.howell@atkinsglobal.com).

## **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 Margate, Building Department on May 19, 2011. It has been assigned the number DCA11-DEC-105. The petition seeks the agency's opinion as to the applicability of (clarification of) Section 553.504(12), Florida Statutes, and section 11-4.17.3 Exception (1), Florida Accessibility Code (2007). as it applies to the petitioner.

The Petitioner asks whether the terms "restroom," "toilet room" and "restroom stall" are synonymous; which should prevail in the event of an inconsistency between requirements of Florida Statute and the Florida Accessibility Code as to

restrooms, and whether all accessible single user restrooms and/or toilet rooms in new construction have to comply with figure 30(e) of ADAAG.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Michael Murray of Storm Watch, Inc. on October 26, 2010. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was issued on May 17, 2011. The Commission determined that section 1613.1, Florida Building Code, Building Volume (2007 as amended October 1, 2009) applies to petitioner's products if they are to be used as storm shutters in the high-velocity hurricane zone, regardless of the products' materials or physical properties and whether the opening is glazed or not, and that the separation and deflection limits also apply.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Geoff McCleod, President of MESA Modular Systems, Inc. on October 29, 2010. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was dated May 17, 2011. The Commission determined that the Commission cannot approve Petitioner's products, modular stackable pads designed for ground level application, under Mechanical Code Section 304.9, as "other approved material" because the Code reserves that authority to the code official or authority having jurisdiction; nor can the Commission approve the Petitioner's anchoring system under Rule 9N-3.005, F.A.C., because they are not part of the envelope of a building.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by the American Architectural Manufacturers Association on November 1, 2010. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA10-DEC-217. The Declaratory Statement was dated May 17, 2011. The Commission determined that section 1714.5.4.1 of the Florida Building Code, Building volume, allows substitute anchoring system for different substrates using rational engineering analysis or "accepted engineering practice," however, this authorization is restricted to circumstances where the anchor spacing has not been changed or altered from the original test.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Custom Hurricane Products on November 2, 2010. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA10-DEC-219. The Declaratory Statement was dated May 17, 2011. The Commission determined that, with regard to Petitioner's products, a line of fabric panels intended for use as storm shutters in the high velocity hurricane zone, Section 1613.1, Florida Building Code, Building Volume (2007 as amended October 1, 2009) specifies the allowable deflections, and L/30 applies to both positive and negative pressure; Section 1613.1.9, Item (9) applies to all storm shutters, regardless of the products' materials or physical properties, including flexible materials; the L/30 deflection limit applies to both the storm shutter "system" and the components thereof; the L/30 deflection applies to both one-way and two-way systems as described in the Petition; and Section 1613.2 requires a clear separation of a minimum of 1 inch and that the deflection limit of the shutter "fabric" must not exceed two inches.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by John H. Kampmann, Jr., P.E., of MEA Engineers, Inc. on November 4, 2010. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was dated May 17, 2011, and was for five petitions: DCA10-DEC-220, DCA10-DEC-221, DCA10-DEC-222, DCA10-DEC-224, DCA10-DEC-225. The Commission determined that Section 1613.1, Florida Building Code, Building Volume (2007 as amended October 1, 2009) specifies the allowable deflections in the high velocity hurricane zone regardless of their method of construction, and Section 1613.1.9, Item (9) applies to all storm shutters, regardless of the products' materials or physical properties, and

requires in the closed position a minimum clear separation from the glass of 1 inch, but not to exceed 2 inches when the shutter or opening is at its maximum point of permissible deflection L/30. The requirements of Section 1613.1.9, (Item (9), apply to an opening regardless of whether it is a glazed opening or not. The maximum deflection for storm shutters is L/30 if the opening is not a glazed opening; the maximum deflection for storm shutters is L/30 but not to exceed 2 inches if the opening is a glazed opening. The Commission was unable to reply to some of the Petitioner's other questions due to insufficient information having been provided.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Tim Graboski of Tim Graboski Roofing, Inc. on November 24, 2010. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was issued on May 17, 2011. It was assigned the number DCA10-DEC-247. The Commission determined that under sections 1504.3, 1507.3.3 and 1507.3.8 of the Florida Building Code, Building Volume (2007, as amended October 1, 2009), the use and application of tile roofing systems, including the cap sheet, shall be in accordance with the tile manufacturer's recommendations or the recommendations of the FRSA/TRI 07320.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Kraig Mackett of Living Space Sunrooms, LLC on December 2, 2010. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was issued on May 17, 2011. It was assigned the number DCA10-DEC-248. The Commission determined that under Section 553.842(10), F.S., and Chapter 9N-3, F.A.C., to the extent that the Petitioner's products, vinyl coated aluminum frame custom designed sunrooms, are constructed specific to a plan or design "custom/one of a kind" and designed in accordance with specification standards referenced in the Florida Building Code, the product system falls outside the scope of state approval established by Rule 9N-3. However, local approval of the Petitioner's system may be required through building plans review and inspection.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Florida Building Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation has received the petition for declaratory statement from Regency Centers, L.P., Docket Number DS 2011-020. The petition seeks the agency's opinion as to the applicability of Section 561.17(1), Florida Statutes, as it applies to the petitioner.

Whether Florida's Beverage Law requires Regency Centers, L.P., – a bona fide developer, owner and operator of grocery-anchored shopping centers, which, for the purpose of this declaratory statement, contain five or more tenant stores under similar, but not identical, leases – to be disclosed as a party of interest on its tenants' potential applications for alcoholic beverage licenses.

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, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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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 Debra A. Tedesco, Petitioner/Unit Owner, In re: Laurel Oaks at Country Woods Condominiums Association, Inc., Docket No. 2011025414 on May 17, 2011. The petition seeks the agency's opinion as to the applicability of Section 718.113, Florida Statutes, as it applies to the petitioner.

Whether Laurel Oaks at Country Woods Condominiums Association, Inc. approval of unit owners' placement of pavers outside their units on the common elements is a material alteration or substantial addition requiring a unit owner vote under the declaration of condominium or Section 718.113, 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.

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 Edward J. Campbell, Unit Owner, In Re: The Moorings Condominium Association, Docket No. 2011017958 on March 31, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because a statement cannot be issued where persons who will be affected by the decision are not parties to the proceeding; or when the division is not provided a complete current set of governing documents as competent substantial evidence upon which to base its decision.

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.

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 Lago Grande Homeowners' Association, Inc., Docket No. 2011016226 on March 25, 2011. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because it does not have jurisdiction to govern Homeowners' association as they are governed under Chapter 720, Florida Statutes; or because it cannot determine rights of third parties who are not parties to the 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.

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Jeff Mahlstedt filed on May 12, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.105(3), Florida Statutes as it applies to the petitioner.

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 Chapter 489.105(3), Florida Statutes, would apply and whether a roofing contractor is licensed to install a tubular skylight.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G.W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G.W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that Board of Cosmetology has issued an order disposing of the petition for declaratory statement filed by Teri Lynn Clark, TLC Aesthetic Institute on August 7, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 33, of the August 21, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 7, 2009. The petition requested the Board's interpretation of Chapter 477.025, Florida Statutes, and whether person who purchase infrared body wrap apparatus and use the apparatus to perform body wraps on individuals are required to obtain a license under Section 477.025, Florida Statutes. The Board's Order, filed on January 14, 2010 answers the Petition for Declaratory Statement. A person who purchases an infrared body wrap apparatus and uses the apparatus to perform body wraps on individuals are not required to obtain a license under Section 477.025, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

Please refer all comments to: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy has received the petition for declaratory statement from Petition for Declaratory Statement from Diana Richardson, LMT. The petition seeks the agency's opinion as to the applicability of Chapter 477, F.S., as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement requesting clarification of exemptions as defined in Chapter 477, F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, at the above-referenced address or at telephone number (850)245-4161.

Please refer all comments to: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on May 6, 2011, the Board of Respiratory Care has received the petition for declaratory statement from John Wilgis, M.B.A. RRT, on behalf of Florida Society for Respiratory Care. The petition seeks the agency's opinion as to the applicability of Chapter 468, Part V, Florida Statutes, specifically Sections 468.352 and 468.365, F.S. and paragraph 64B32-5.001(1)(v), Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Chapter 468, Part V, Florida Statutes, specifically Sections 468.352 and 468.365, F.S. and paragraph 64B32-5.001(1)(v), Florida Administrative Code, and whether a respiratory therapist may legally accept orders from a physician extender (e.g. Advance Registered Nurse Practitioner, Physical Assistants); if the order should state 'verbal', or 'telephone' and should be signed off by the physician according to hospital medical executive staff policy; if a respiratory therapist is subject to disciplinary action if the supervising physician fails to counter sign the order per a hospital's Medical Staff Bylaws; and whether it would be a violation of Chapter 468, Part V, Florida Statutes, if a respiratory therapists carries out an order(s) by a physician extender.

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

NOTICE IS HEREBY GIVEN that on May 6, 2011, the Board of Respiratory Care has received the petition for declaratory statement from Sheryle Barrett, B. A., on behalf of Florida Society for Respiratory Care. The petition seeks the agency's opinion as to the applicability of Rules 64B32-5.001 and 64B32-5.003, Florida Administrative Code as it applies to the petitioner.

The petition seeks the Board's interpretation of Chapter 468, Part V, Florida Statutes, Rules 64B32-5.001 and 64B32-5.003, Florida Administrative Code, and whether a licensed Certified Respiratory Therapist and Licensed Respiratory Therapist certified on or after July 1, 2002 by the National Board for Respiratory Care, Inc. (NBRC) is required to maintain credentials issued by the NBRC as part of the continuing competency program; whether a Certified Respiratory Therapist (CRT) or Registered Respiratory Therapist (RRT) may use another designation (e.g. Respiratory Care Practitioner Therapist (RCP) even though there is no designation on their license indicating the other designation; and who is responsible for verification of compliance with the requirements of the NBRC Continuing Competency Program.

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

## 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**