

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning improvements to State Road (S.R.) 289 (9th Avenue) from S.R. 10A (US 90/Cervantes Street) to S.R. 742 (Creighton Road) and to S.R. 10A (US 90) from 15th Avenue to Hyde Park Road in Escambia County. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the upcoming improvements. The meeting will be conducted in an open house format (no formal presentation is scheduled). Representatives from FDOT will be available to explain proposed improvements and answer questions.

A copy of the agenda may be obtained by contacting: Greg Rogers, FDOT, Project Manager, 1(888)638-0250, ext. 755.

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: Greg Rogers, at the number listed above or via email: greg.rogers@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).

For more information, you may contact: Greg Rogers at the number or email address listed above.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that the Florida Department of State has issued an order disposing of the petition for declaratory statement filed by Mr. Juan Lapica, S.E., P.E., a copy of which petition was published in F.A.W., Vol. 38, No. 16 on April 20, 2012. The following is a summary of the agency's disposition of the petition:

If an LLC is formed under both Chapters 608 and 621, F.S., Mr. Lapica, as a licensed engineer, can be a Manager or a Managing Member. His wife cannot be listed as either because she is not a licensed engineer (Sections 621.05 and 621.051, F.S.). If an LLC is formed only under Chapter 608, F.S., Mr. Lapica and his wife can both be listed as Managers or Managing Members or he can be listed as either of those titles and she as only a "member". The name of the entity can be whatever he chooses regardless of whether it is filed under only Chapter 608 or both 608 and 621, F.S., as long as the name is distinguishable on Division of Corporations records (Section 608.406, F.S.). The suffix used to identify the LLC formed under only Chapter 608, F.S. is LLC, L.L.C., Limited Liability Company, or Ltd. Co. (Section 608.406, F.S.). If Mr. Lapica forms a "Professional Limited Liability Co." he must

file under Chapter 621, F.S., and he must use "Professional Limited Company" or "P.L." as the suffix (Section 621.12, F.S.).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Betty Money, Agency Clerk, Office of the General Counsel, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN that Department of Highway Safety and Motor Vehicles has received the petition for declaratory statement from Sparkman Chevrolet, LLC d/b/a Sparkman Chevrolet. The petition seeks the agency's opinion as to the applicability of Final Order #HSMV-07-1231-S-DMV as it applies to the petitioner.

The issues presented are whether Sparkman may relocate its Chevrolet franchise from its present location to a proposed location, and whether such relocation is exempt from the notice requirements of Section 320.642, Florida Statutes, and the timing requirements of paragraph 15C-7.004(7)(d), Florida Administrative Code, pursuant to the 2007 Order.

A copy of the Petition for Declaratory Statement may be obtained by contacting: James K. Fisher, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A430, Tallahassee, Florida 32399, (850)617-3006.

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 declined to rule on the petition for declaratory statement filed by Scott and Mary Ann Lodde, Petitioners/Owners, In Re: Sanibel Harbour Tower South Condominium Association, Inc., Docket No. 2012013924, on March 19, 2012. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it requires competent, substantial evidence, that includes a complete, current set of governing documents, which was not provided; or when it concerns events that have already taken place; or because it may not issue a declaratory statement to determine the rights and duties of third parties who are not joined in the petition.

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 Humberto Rubio, Jr., Esq., In Re: Mirador 1200 Condominium Association, Inc., Docket No. 2012003104 on January 20, 2012. The following is a summary of the agency's declination of the petition:

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.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has issued an order disposing of the petition for declaratory statement filed by Watercrest Owners Association, Inc., Petitioner, Docket No. 2012010861 on March 7, 2012. The following is a summary of the agency's disposition of the petition:

The Division issued a Declaratory Statement ordering that the project is a material alteration to the common elements but not a material alteration to the appurtenances, requiring a two-thirds owner vote under its declaration as provided by Section 718.113(2)(a), Florida Statutes, and not a vote under Section 718.110(4), Florida Statutes.

A copy of the Order Disposing 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 Construction Industry Licensing has received the petition for declaratory statement from G. Morgan Skoegard, on behalf of Bruce Lebedun, filed on March 19, 2012. The petition seeks the agency's opinion as to the applicability of Section 489.103(9), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks the Board to interpret Section 489.103(9), Florida Statutes, and whether licensure for a Plumbing Contractor is required to change and replace plumbing fixtures such as toilets when Petitioner does not advertise as a contractor and the total cost of the fee does not exceed \$1,000.00.

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

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

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from The Florida Solar Energy Center. The petition seeks the agency's opinion as to the applicability of section 402.1, Florida Building Code – Energy Conservation as it applies to the petitioner.

The petitioner asks whether the Equivalent U-Factors in Table 402.1.1.3 of the FBC-EC for mass walls are correct.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Florida Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, Florida 32399, (850)717-1181.

Please refer all comments to: Mo Madani, CBO, Manager, Florida Department of Business and Professional Regulation, Building Codes and Standards Office, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Raymond A. Manuci, President of RM Enterprises, Inc. The petition seeks the agency's opinion as to the applicability of the 2010 Florida Building Code and HB 704 as it applies to the petitioner.

The petitioner requests clarification of the wind resistance requirements for mechanical equipment installed on roofs or on the ground.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Florida Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, Florida 32399, (850)717-1181.

Please refer all comments to: Mo Madani, CBO, Manager, Florida Department of Business and Professional Regulation, Building Codes and Standards Office, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Rick's A/C, Inc. The petition seeks the agency's opinion as to the applicability of section 101.4.7.1.2, Florida Building Code as it applies to the petitioner.

The petitioner asks for clarification of the authority of local building officials to set permit fees and to refuse to accept HVAC sizing calculations produced by software programs that are not certified by a specific national entity.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Florida Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, Florida 32399, (850)717-1181.

Please refer all comments to: Mo Madani, CBO, Manager, Florida Department of Business and Professional Regulation, Building Codes and Standards Office, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from John C. Thomas, President/CEO of Pinch A Penny. The petition seeks the agency's opinion as to the applicability of Chapters 2, 3, 4, 5, and 6 of the 2010 Florida Building Code as it applies to the petitioner.

The petitioner requests clarification of the Code's requirements for replacing broken motors on residential swimming pool pumps, and whether this is considered a repair or an alteration.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Florida Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, Florida 32399, (850)717-1181.

Please refer all comments to: Mo Madani, CBO, Manager, Florida Department of Business and Professional Regulation, Building Codes and Standards Office, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

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:

Beth Weatherstone, Karen Peek and Florida Education Association vs. Florida State Board of Education and Florida Department of Education; Case No.: 12-0765RP; Rule No.: 6A-5.0411

Karen Peek, Beth Weatherstone and Florida Education Association vs. State Board of Education and Department of Education; Case No.: 12-1111RP; Rule No.: 6A-5.030

Helen Peek vs. Florida Parole Commission; Case No.: 12-1503RX; Rule No.: 23-21.0155

Teamsters Local Union No. 2011 vs. Department of Corrections; Case No.: 12-1070RP; Rule No.: 33-302-110

Patrina Williams, as Mother and Next Friend for Tramika Williams vs. Agency for Health Administration; Case No.: 12-1073RP, Rule No.: 59G-8.400

Sabal Palm Condominiums of Pine Island Ridge Association, Inc. on Its Own Behalf, and on Behalf of All Owners of Condominiums One through and including Eleven of Sabal Palm Condominiums of Pine Island Ridge vs. Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares and Mobile Homes; Case No.: 12-1230RP; Rule No.: 61B-45.0365

Trinet HR Corporation vs. Department of Business and Professional Regulation, Board of Employee Leasing Companies; Case No.: 12-1659RX; Rule No.: 61G7-10.001

Joseph Rickett, P.E., vs. Florida Board of Professional Engineers, A Division of the Florida Department of Business and Professional Regulation; Case No.: 12-1202RX; Rule No.: 61G15-19.001(4)

Okaloosa County, Florida, and Nassau County, Florida vs. Department of Juvenile Justice; Case No.: 12-0891RX; Rule Nos.: 63G-1.011, 63G-1.013, 63G-1.016, 63G-1.017

Florida Medical Association, Inc.; Florida Osteopathic Medical Association; and Florida Podiatric Medical Association vs. Department of Health, Board of Nursing; Case No.: 12-1545RP; Rule No.: 64B9-8.005

Disability Rights Florida, Inc. vs. Agency for Persons with Disabilities; Case No.: 12-1550RP; Rule No.: 65G-2.016

Peter R. Brown Construction vs. Department of Financial Services; Case No.: 12-1357RX; Rule No.: 69I-40.103