

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by George Coleman on behalf of the City of West Melbourne, Florida (Petitioner) and the request to intervene filed by David Hudson on behalf of Hammock Landing/Melbourne West, LLC on January 11, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA07-DEC-290.

The Commission determined that a one-story building of Type II-B, M occupancy, including retail space for two anchor stores, each of which owns the land beneath the footprint of the respective store and are separated from each other by a space under the common ownership of the developer that will be rented or leased to retail stores, may be constructed in accordance with the requirements of section 507.2, of the Florida Building Code (2004 as amended) provided that the separation walls between each of the anchor store areas and the areas under common ownership are constructed as required for a zero lot line in accordance with section 602.1 of the code, specifically that the walls demonstrate two hour fire resistance. A copy of the Order Disposing 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 FLORIDA BUILDING COMMISSION has issued an order disposing of the petition for declaratory statement filed by Alan Fallik, on behalf of the City of Hollywood, Florida (Petitioner) on January 16, 2008. The following is a summary of the agency's disposition of the petition: The petition was subsequently amended by Mr. Robert Fine, Esq., on January 16, 2008. It was assigned the number DCA07-DEC-179.

The Commission determined that Petitioner is entitled to rely on past consistent interpretations of the Department of Environmental Protection and Natural Resources of the regulations contained in section 3109.3 of the Florida Building Code (2004 as amended) as to the uses that are allowed seaward of the Coastal Construction Control Line ("CCCL").

A copy of the Order Disposing 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 Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Karen Wallace Oliver, on behalf

of Wallen Service Corp., (Petitioner) on January 8, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA08-DEC-004.

The Commission determined that the Florida Building Code (2004 as amended) allows, but does not require, the use of the Air Conditioning Contractors of America (ACCA) Manual S in determining the capacity of residential heating and cooling equipment.

A copy of the Order Disposing 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 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 Board of Nursing has received the petition for declaratory statement from Jeseca White, RN. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

The Petitioner seeks the Board's direction under statutory "scope of practice" provisions. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under nursing scope of practice provisions whether it is within the scope of practice for a Registered Nurse, working in the operating room as a circulator for orthopedic procedures, to apply a tourniquet, wrap the operative extremity in Esmark, and then insufflate the tourniquet when the operating surgeon is present in the room. A second question is whether it is within the scope of practice for a Registered Nurse, working in the operating room as a circulator for orthopedic procedures, to apply a tourniquet, wrap the operative extremity in Smirk, and then insufflate the tourniquet when the operating surgeon is not present in the room. This petition will be considered by the Board at its June Board meeting.

The Board of Psychology hereby gives notice that on March 17, 2008, it received a Petition for Declaratory Statement filed by Maria C. Fernandez, Ph.D. The petition seeks the Board's

interpretation of Section 490.0149, F.S., and whether Dr. Fernandez may hold herself out to be a Certified School Psychologist.

Copies of the petition may be obtained from: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, has received the petition for declaratory statement from Captain John Curry, City of Coral Gables Fire Department, on March 28, 2008. The petition seeks the agency's opinion as to the applicability of Chapter 64E-2, Florida Administrative Code, as it applies to the petitioner.

The petitioner seeks to know if there are any state regulations or guidelines regarding the use of "Bike Medics".

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, Fax (850)488-9408, email: lisa_walker2@doh.state.fl.us.

Please refer all comments to: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, Fax (850)488-9408, email: lisa_walker2@doh.state.fl.us.

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:

Lamar Outdoor Advertising-Lakeland vs. Department of Transportation; Case No.: 08-1408RX; Rule No.: 14-10.007(2)(b)

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1512RP; Rule Nos.: 59G-13.081, 59G-13.084

Hernando Sosa, By and through his next friend Teresita Sosa, Kenneth Gibson, By and through his next friend Dianna McCullough, and the Advocacy Center for Persons with Disabilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1290RP; Rule No.: 59G-13.083

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1568RP; Rule No.: 59G-13.083

Hartman and Tyner, Inc., d/b/a/ Mardi Gras Gaming vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 08-1310RP; Rule No.: 61D-11.012(5)(d)

Emmett and Linda Hildreth vs. Florida Fish and Wildlife Conservation Commission; Case No.: 08-1243RU

The Renaissance Charter School, Inc., and the Lee Charter Foundation, Inc. vs. Department of Education; Case No.: 08-1309RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Fairdistrictsflorida.org vs. Department of State, Division of Elections; Case No.: 07-5665RX; Rule No.: 1S-2.009(8); Invalid

Peter B. Dolinger vs. Department of Corrections; Case No.: 08-0682RX; Rule No.: 33-203.201(4); Dismissed

Blue Chip Construction Company and Marcia Muldrow-Sanders vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 08-0653RX; Rule No.: 61G4-15.001(1)(a); Dismissed

Juan Cuellar, Luis Garcia and Gerardo Quintero vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 07-5767RX; Rule No.: 61G4-15.008; Invalid

First Commercial Claims Service vs. Department of Financial Services; Case No.: 07-5676RX; Rule No.: 69L-7.501; Voluntarily Dismissed

Indemnity Insurance Company of North America vs. Department of Financial Services; Case No.: 08-1060RX; Rule No.: 69L-7.501; Dismissed

Florida Health Care Assoc., Inc., A Florida Corp. Not For Profit; and Florida Assoc. of Homes for the Aging, A Florida Corp. Not For Profit and Florida Assoc. of Homes and Services for the Aging, Inc., A Florida Corp, Not For Profit vs. Agency for Health Care Administration; Case No. 08-0589RU; Dismissed