

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: Fawn Brown at 1(800)955-7647, extension 8331.

**FLORIDA BIRTH RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION**

The **Florida Birth Related Neurological Injury Compensation Association**, Medical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 13, 2009, 12:00 Noon

PLACE: West Palm Beach Marriott, 1001 Okeechobee Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191.

**PASCO-PINELLAS AREA AGENCY ON AGING**

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2009, 9:30 a.m.

PLACE: 9887 4th St., North, Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach at (727)570-9696.

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 4 days before the workshop/meeting by contacting: Elizabeth Laubach at (727)570-9696. 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 any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elizabeth Laubach at (727)570-9696.

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Chris Birchfield, on behalf of No-Burn SE, Inc., DCA08-DEC-257, on September 5, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, a line of fire-retardant coatings for use in buildings constructed in accordance with the Florida Building Code, are outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but are subject to review and approval at the local level. Elements of such a plan or design could be subject to approval by the local authority having jurisdiction.

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 the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Ms. Sandra Gump, on behalf of Fomo Products, Inc., DCA08-DEC-268, on September 12, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, a "polyurethane foam plastic sealant that expands to take the shape of cracks and voids," called "Handi-Foam Spray Foam," is outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but is subject to review and approval at the local level.

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 the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Tom Hardiman, on behalf of the Modular Building Institute, DCA08-DEC-209, on July 24, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.3, Florida Building Code, Building Volume (2007), in conjunction with subsection 9B-1.009(5), Florida Administrative Code, and Part I of Chapter 553, Florida Statutes, permit manufacturers to complete all buildings for which a clear, signed contract is in

place, as long as the construction activity is commenced within six months of the contract's execution and the contract is subject to verification by the Department of Community Affairs.

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.

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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 Mr. Luke Ismert, on behalf of the Schier Products Company, DCA08-DEC-208, on July 18, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 1003.3.4, Florida Building Code, Plumbing Volume (2004 as amended 05/21/07) does not permit the use of grease interceptors with a liquid capacity of less than 750 gallons, although Section 104.11, Florida building Code, Building volume (2004 as amended 5/21/07) provides the building official discretion to allow construction that he or she determines is equivalent.

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.

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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 Mr. Robert Jamieson on behalf of Underwriters Laboratories, Inc., DCA08-DEC-204, on July 15, 2008. The following is a summary of the agency's disposition of the petition:

The Commission clarified certain information that must be recorded on the Administrative Validation Checklist, adopted by reference under paragraph 9B-72.130(3)(a), Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399.

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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 Mr. Neil Melick, on behalf of the City of West Palm Beach Building Services Department, DCA08-DEC-205, on February 11, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 301.13, Florida Building Code, Mechanical Volume (2004 as amended 5/21/07) requires that all mechanical equipment exposed to wind must be designed for wind resistance, regardless of whether manufacturers of that equipment are willing to provide

design information and documentation; that the word "resist" as used in Section 301.13 of the Mechanical Volume has the same meaning as the word "withstand" as used in Section 1609 of the Building Volume; that the local building official may withhold or revoke a Certificate of Occupancy if the permit holder fails to demonstrate that mechanical equipment is designed to withstand the appropriate wind forces; and that the Commission lacks authority to determine whether it is the responsibility of the appliance manufacturer to design their outdoor appliances to resist wind pressures, although the Code would clearly envision that the equipment either be designed for wind resistance by its manufacturer, the design for wind resistance be confirmed by an appropriate design professional, or that the equipment be housed within a structure that is designed for wind 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.

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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 Mr. Kenneth E. Norton, on behalf of Power Design, Inc., DCA08-DEC-275, on September 19, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Rule 9B-3.0472, Florida Administrative Code, and Section 553.885(1), Florida Statutes, require: 1) that carbon monoxide detectors be installed within ten feet of each sleeping room in an entire 7 story residential condominium building that surrounds a 3 level parking garage; 2) that carbon monoxide detectors be installed within ten feet of each sleeping room in every residential unit in a 5 story, high-density residential apartment building where several units are equipped with fossil burning fire places; 3) that carbon monoxide detectors be installed within ten feet of each sleeping room in an entire 30 story residential high rise that has no other fossil burning appliances except a diesel powered emergency generator on the first floor.

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.

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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 Mr. David Sands, on behalf of Bamboo Technologies, DCA08-DEC-258, on September 5, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, bamboo poles for use in buildings constructed in accordance with the Florida Building Code, are raw material that are

outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but are subject to review and approval at the local level.

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.

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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 Mr. Vincent Vaulman, on behalf of the Madison, Kneppers & Associates, Inc., DCA08-DEC-216, on July 28, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Commission is not authorized to provide, by declaratory statement, a general delineation of the alteration levels defined within the Florida Building Code, Existing Building Volume, the law restricts this authority to an interpretation of the Code in the context of Petitioner's particular facts and circumstances; that the percentage of area within a building subject to work such as that described in the Petition bears no relation to the Code's delineation of that work as repair or alteration; that the existence of conditions in a building prior to that building sustaining hurricane damage bears no relation to the classification of the work to be performed as repair or alteration; and that the nature of the work described in the petition appears to fall under the classification of Alteration, Level 1.

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.

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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 Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-236, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 1609, Florida Building Code, Building Volume (2007), does not require louvers that are located more than 30 feet above grade or louvers that are not attached to ducts, to demonstrate impact resistance, when installed within the wind borne debris region and outside the high velocity hurricane zone; the minimum test standard applicable to louvers does not include cyclic testing after the impact test, but a static test is required.

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.

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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 Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-237, on August 22, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that custom engineered louvers are subject to requirements contained within the Florida Building Code, including structural wind load requirements, and use of louvers in construction subject to the Florida Building Code is subject to review and approval by the local authority having jurisdiction; however, State Approval by the Commission may be obtained as an alternative to local approval under Chapter 9B-72, Florida Administrative Code. In order for a standard louver to demonstrate compliance with the Code, it must be tested to the applicable standards specified by the Code, and rational analysis cannot be used in lieu of testing.

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.

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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 Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-238, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission clarified some of the requirements of the Florida Building with regard to wind pressure and impact testing of louvers.

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.

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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 Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-239, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that all products (including louvers) used in the High Velocity Hurricane Zone ("HVHZ") must be in compliance with Florida Building Code requirements specific to the HVHZ. Demonstration of compliance with the Code can be either by obtaining state

approval pursuant to Chapter 9B-72, Florida Administrative Code, or by local approval; the building official may deny the local application of a product which has received statewide approval if the official concludes that the product application is inconsistent with the statewide approval.

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.

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#### **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."

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#### **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 Albert Frost, Petitioner/Unit Owner, In Re: Tregate East Condominium, Association, Inc., Docket No. 2008064223 on November 25, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have the authority to interpret and enforce ambiguous provisions in the governing documents; where facts are in dispute; or where owners who will be affected by the decision are not parties to 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 32399-1031.

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 the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order disposing of the petition for declaratory statement filed by Gulfstream Park Racing Association, Inc. (Petitioner) on September 26, 2008. The following is a summary of the agency's disposition of the petition:

The petition for declaratory statement was noticed in Vol. 34, No. 43, Florida Administrative Weekly. The petition lists Sections 849.086(5)(a), 849.086(5)(b), 849.086(7), and 550.002(11), Florida Statutes, as the statutory provisions upon which a declaratory statement is sought. The declaratory statement issued by the Division (DBPR Case No. 2008053671 /DS 2008-071) on January 16, 2009, finds that Petitioner, who holds both a thoroughbred racing permit (under which it has conducted live racing) and a quarter horse racing permit (under which it has never conducted live racing), must apply for a racing license to conduct 40 thoroughbred races and a racing license to conduct 40 quarter horse races in order to receive a cardroom licenses under Section 849.086, Florida Statutes, for each of its racing permits.

A copy of the Order Disposing 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.

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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 issued an order disposing of the petition for declaratory statement filed by Sunrise Lakes Condominium Apartments, Phase III Inc. 2, (Association), Docket No. 2008060443, on October 24, 2008. The following is a summary of the agency's disposition of the petition:

The Division finds that the co-owners of one or more units at Sunrise Lakes Condominium Apartments, Phase III Inc. 2, are not eligible to serve on the board at the same time, under Section 718.112(2)(d)1., Florida Statutes (2008).

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 32399-1031.

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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#### **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."