

**FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES, INC.**

The **Florida Network of Youth and Family Services, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 20, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Network of Youth and Family Services Office, 2850 Pablo Avenue, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: AGENDA ITEMS:

- Quality Improvement Committee reconstruction.
- Contract Update.
- New Board member approval.
- Roles and structure of the Board of Directors.
- Special session wrap up.
- Department of Juvenile Justice update.

A copy of the agenda may be obtained by contacting: Mary D. Richter, Executive Director, Florida Network of Youth and Family Services at [Dee@floridanetwork.org](mailto:Dee@floridanetwork.org) or (850)922-4324.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The **Florida Workers’ Compensation Joint Underwriting Association, Inc.**, Rates and Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 19, 2009, 9:00 a.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include 2008 year-end reserves; 2009 rates; and return of premium dividend.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJUA’s website: [www.fwcjua.com](http://www.fwcjua.com).

**Section VII**

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Division of Community Planning has received the petition for declaratory statement from Stephanie D. Alexander, Esquire, on behalf of the Renaissance Charter School, on December 11, 2008. This is an amendment to a petition received on July 30, 2008. The petition seeks the agency’s opinion as to the applicability of Section 163.3180(13), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks determination whether charter public schools qualify as a “public school” within Section 163.3180(13), Florida Statutes, for purposes of establishing school concurrency; whether charter public schools are included in the Public School Facilities Element adopted into the local government’s comprehensive plan under Section 163.3180(13)(a), Florida Statutes; and if Level of Service Standards established under Section 163.3180(13)(b), Florida Statutes, apply equally to all public schools. It has been assigned the number DCA08-DEC-218.

A copy 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, 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 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 received the petition for declaratory statement from James Wergeles, Petitioner, In Re: Tregate East Condominium Association, Inc., Docket No. 2009002765. The petition seeks the agency’s opinion as to the applicability of Section 718.1035, Florida Statutes as it applies to the petitioner.

Whether Tregate East Condominium Association, Inc. may adopt a rule that restricts an existing power of attorney held by a unit owner under Section 718.1035, 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 received the petition for declaratory statement from Darrell Beaty, Petitioner/Unit Owner, In Re: Punta Gorda Isles, Section 22 Homeowners Association, Inc., Docket No.

2008064735. The petition seeks the agency's opinion as to the applicability of Section 720.3075(1)(b), Florida Statutes, as it applies to the petitioner.

Whether an agreement between the Punta Gorda Isles, Section 22 Homeowners Association, Inc., (Association) and the developer restricting Association's ability to challenge certain development changes within the Burnt Store Marina community violates Section 720.3075(1)(b), Florida Statutes and constitutes a substantial and/or material change to the governing documents.

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 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 Rick and Christine H. Irizarry, Petitioners/Unit Owners, In Re: Laguna Pointe Condominium Association of Pensacola, Inc., Docket No. 2009003292. The petition seeks the agency's opinion as to the applicability of Sections 718.113(1) and 718.111(4), Florida Statutes, as it applies to the petitioner.

Whether Laguna Pointe Condominium Association of Pensacola, Inc. is obligated to repair and maintain the sliding glass doors of the units under the declaration and Sections 718.113(1) and 718.111(4), 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 of the issuance of an Order regarding the Petition for Declaratory Statement for Tankinetics, Inc. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on October 10, 2008. The petition requested the Board's interpretation of Sections 489.103(6),

489.105, 489.115(1) and 489.133(5)(a), Florida Statutes, and whether the Petitioner is generally exempt from construction industry licensing requirements pursuant to Section 489.103(6), Florida Statutes, for its manufacture, assembly, and erection of prefabricated, fiberglass, above-ground storage tanks for industrial application, and/or that Petitioner is not acting as a "contractor" as defined by Section 489.105(3), Florida Statutes, and/or that the assembly and installation of the pre-fabricated tanks do not require any license in any category under Section 489.105(3)(a)-(q) or 489.133(5)(a), Florida Statutes.

The Board's Order, filed on December 4, 2008, answers the Petition for Declaratory Statement. The activities described are exempt from Chapter 489, Part 1, Florida Statutes, pursuant to Section 489.103(6), Florida Statutes. A contractor's license is not required for the delivery of construction equipment and materials when the items are fabricated off-site and delivered to the site, including the related placement and assembly of the items at the site as explained above, provided such assembly does not fall within the scope of services of any licensed contractor, as described in Chapter 489, Part 1, Florida Statutes.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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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."

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#### **DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Tamara L. Densmore, M.D., on January 22, 2009. The Petitioner seeks the Board's opinion as to whether the Petitioner, a pathologist employed by Suncoast Pathology, Inc., must perform a physical examination before ordering a diagnostic test if the test is directly requested by the patient. Specifically, the Petitioner seeks the Board's clarification in whether Section 458.331(1)(m), Florida Statutes, requires a pathologist to perform a physical examination on a patient before ordering a diagnostic test where there is no referring physician, and whether the act of ordering a test requested by a patient would be considered the practice of telemedicine under Rule 64B8-9.014, Florida Administrative Code. The Board will consider this petition at its meeting scheduled for April 4, 2008, in Orlando, Florida.

A copy of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has declined to rule on the petition for declaratory statement filed by Debra Shelby, ARNP on January 16, 2009. The following is a summary of the agency's declination of the petition:

The Board of Nursing hereby gives notice that it has issued an Order on the Petition for Declaratory Statement, which was filed on January 16, 2009, on behalf of Debra Shelby, ARNP. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 46, of the November 14, 2008 issue of the Florida Administrative Weekly. Specifically, the Petitioner requested that the Board issue a Declaratory Statement determining a scope of practice issue. The Board of Nursing considered the Petition at its meeting held on December 5, 2008, in Kissimmee, Florida. The Board's Order, filed on January 12, 2009, dismissed the petition, finding that the petition sought the interpretation of the practice of licensees other than Petitioner.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Terri Hicks on October 30, 2008. The following is a summary of the agency's disposition of the petition:

Petitioner has withdrawn her petition for declaratory statement on January 20, 2009.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Frank McElroy on January 23, 2009. The petition seeks the agency's opinion as to the applicability of Section 633.025(6), F.S. and NFPA 101, Section 31.3.4, Florida 2004 edition as it applies to the petitioner.

1) Is it the intent of the Florida Fire Prevention Code and Chapter 633, F.S., including NFPA 101, Section 31.3.4, Florida 2004 edition, and Section 633.025(6), F.S., that Ocean Sunrise Condominium shall be required to retroactively install a fire

alarm system? and 2) Was the decision of the local fire official to require such a fire alarm installation at Ocean Sunrise reasonable as contemplated in Section 633.025(6), F.S.?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@my.floridacfo.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**