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## 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 James R. Shock, Manager of the Building Inspection Division of the Department of Planning and Development with the City of Jacksonville (DCA09-DEC-053) on February 18, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.15, Florida Building Code, Building Volume (2007, as amended 3/1/09) is intended to apply only to site-built, single family, residential structures, and does not apply to structures that were built since the implementation of the Florida Building Code on March 1, 2002, and were designed and constructed to withstand internal pressure in accordance with the code in effect at the time of their construction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 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 Dan Arlington, Plans Examiner with the St. Johns County Building Department (DCA09-DEC-062), on July 20, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.15, Florida Building Code, Building Volume (2007, as amended 3/1/09) is intended to apply only to site-built, single family, residential structures, and does not apply to structures that were built since the implementation of the Florida Building Code on March 1, 2002, and were designed and constructed to withstand internal pressure in accordance with the code in effect at the time of their construction.

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

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Anthony C. Apfelbeck, a Building Official, on behalf of the City of Altamonte Springs, DCA08-DEC-207, on July 18, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 553.885, Florida Statutes, and Rule 9B-3.0472, Florida Administrative Code, require hard-wired carbon monoxide detectors in new construction, which includes Level 3 alterations where the work encompasses 50 percent or more of the aggregate area of the building within a 12 month period; to additions; and to changes in occupancy; but that battery powered detectors may be used to retrofit existing elements of a building.

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 Blvd., 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 Thomas H. Ford on behalf of Bhamani, Ford & Associates, Inc., DCA09-DEC-009, on January 16, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that the ventilation requirements of Sections 401, 402, and 403 of the Florida Building Code, Mechanical Volume (2007) for the 1250 square foot warehouse area of the Petitioner's retail store may be met by using either a 160 square foot overhead door, or by mechanical ventilation with a minimum capacity of 62.5 cubic feet per minute.

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 Blvd., 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 Brad Weatherholz on behalf of the Florida Roofing Sheet Metal and Air Conditioning Contractors Association, DCA09-DEC-025, on January 23, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 611.7.1, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09) contains a typographical error as to the diameter of roofing nails, and that 8d nails with a diameter of 0.131 inches that otherwise meet the expressed requirements of Section 611 are sufficient fastening for existing roof decks.

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 Blvd., Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Brad Weatherholtz on behalf of Roofing Sheet Metal and Air Conditioning Contractors Association (DCA Case No.: DCA09-DEC-045) on February 11, 2009. The following is a summary of the agency's disposition of the petition:

The Commission clarified the requirements of Section 611.8, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09) for retrofitting roof-to-wall connections on houses having both gable and hip roof corners, within the windborne debris regions of the state.

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

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Steven P. Clisset, President, Windstrips, LLC on July 14, 2009. It has been assigned the number DCA09-DEC-263. The petition seeks the agency's opinion as to the applicability of Chapter 9B-72, Florida Administrative Code, as it applies to the petitioner.

The Petitioner asks whether its products, reinforcement strips for use in fastening roofing underlayment with staples, are within the scope of Chapter 9B-72, F.A.C.

A copy 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 ELDER AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs has received the petition for declaratory statement from Independent Living Systems, LLC, hereafter referred to as Independent Living Systems. The petition seeks the agency's opinion as to the applicability of Section 430.707, Florida Statutes, as it applies to the petitioner.

The petition, DOEA Case Number 2009-0001EA, seeks a determination regarding Independent Living Systems' status as a provider within the Long-Term Care Community Diversion Pilot Project under Section 430.707, Florida Statutes, by virtue of its registration with the Agency for Health Care Administration as a homemaker and companion services organization under Section 400.509, Florida Statutes. Independent Living Systems believes that its registration as a homemaker and companion services organization qualifies the entity as a provider for the Long-Term Care Community Diversion Pilot Project.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Tony DePalma, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org).

Please refer all comments to: Tony DePalma, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000; Email: [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org).

#### **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 Fred Kauz, Petitioner/Unit Owner, In Re: Seapointe Terrace Condominium Association, Inc., Docket No. 2009035941 on June 24, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes, as it applies to the petitioner.

Whether a director recalled in 2001 is eligible to be a candidate for election in 2009 under Section 718.112(2)(d)1., 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 Tammy Lien, Petitioner/Unit Owner, In Re: River Way Management

Inc., Docket No. 2009036553 on July 7, 2009. The petition seeks the agency’s opinion as to the applicability of Section 718.113, Florida Statutes, as it applies to the petitioner.

Whether River Way Management, Inc. is responsible for the cost of repairing the garage roofs under 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 received the petition for declaratory statement from The Village at Holmes Beach Association, Inc., Petitioner, Docket No. 2009036451 on July 2, 2009. The petition seeks the agency’s opinion as to the applicability of Section 718.112(2)(a)2., Florida Statutes, as a use fee under Section 718.111(4), Florida Statutes, as it applies to the petitioner.

Whether the Village at Holmes Beach Association, Inc. may impose a special charge against a unit owner for attorney’s services in responding to a unit owner inquiry, Section 718.112(2)(a)2., Florida Statutes, as a use fee under Section 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.

**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.”

**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:**

The Florida Association of the American Institute of Architects vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 09-3034RP; Rule No.: 9B-3.047

Florida Chamber of Commerce, Inc., Florida Land Council, Inc., and Florida Farm Bureau Federation, Florida Not-For-Profit Corporations vs. Department of Community Affairs; Case No.: 09-3488RP; Rule Nos.: 9J-5.003(80), 9J-5, 9J-11

All in One Consultants, LLC. vs. Department of Revenue; Case No.: 09-3012RX; Rule No.: 12A-1.060(6)

Fuel Miami, LLC vs. Department of Transportation; Case No.: 09-3648RX; Rule No.: 14-10.025

Van Wagner Communications, LLC, A New York Limited Liability Company vs. Department of Transportation; Case No.: 09-3778RX; Rule No.: 14-10.025

Walter G. Kozak, d/b/a Gunny’s Intrastate Travel and Tours vs. Hillsborough County Public Transportation Commission; Case No.: 09-3152RX

Robert Fast vs. South Florida Regional Transit Authority; Case No. 09-3026RX; Rule No.: 30C

Collier County, Florida vs. South Florida Water Management District; Case No.: 09-1002RP; Rule Nos.: 40E-2, 40E-10, 40E-20

First Quality Home Care, Inc. vs. Department of Elder Affairs; Case No.: 09-3802RP; Rule No.: 58C-1.0031

Beverly Hutton vs. Department of Management Services, Division of Retirement; Case No.: 09-3027RX; Rule No.: 60S-1.004(5)(d)