



"Emil Veksenfeld"  
 <emil7692@hotmail.com>  
 03/28/2007 01:44 PM

To: Paula.Ford@dca.state.fl.us  
 cc: emil7692@hotmail.com  
 bcc:  
 Subject: RE: Petition for declaratory statement

Petition for Declaratory Statement

Before: Florida Department of Community Affairs

Board of Buildings Code & Standard

2555 Shumard Oak Boulevard

Tallahassee, FL.32399-2100

From: Emil Veksenfeld P.E.

1360 South Ocean Boulevard, Apt.1503

Pompano Beach, FL. 33062

E-mail: [emil7692@hotmail.com](mailto:emil7692@hotmail.com)

Tel/Fax: (954) 781-2171

*DCA07-DEC-060*  
**FILING AND ACKNOWLEDGEMENT**  
 FILED, on *this* date, with the designated  
 Clerk, receipt of which is hereby  
 acknowledged.  
*Paula P. Ford*  
 Paula P. Ford  
 Commission Clerk  
 Date: *3/28/07*

Florida Building Code Chapter 101.4.2.3.1

Issue: **Threshold Building** "In accordance with the Florida Statute, **any building** which is greater than 3 stories or 50 feet in height, or which has an assembly occupancy classification that exceeds 5000 square feet in area and occupant content of greater than 500 persons"

Question: Is the words of **any building** meaning: existing, new, residential, commercial, medical or other buildings which met requirement of Chapter 101.4.2.3.1 Florida Building Code?.

Your participation is essential

PS. In addition this information. The certified letter signed by D. Perrin.

Post office provided me with such information today. [Emil7692@hotmail.com](mailto:Emil7692@hotmail.com)

Emil Veksenfeld P.E.

March 07, 2007

PS.

Post office today confirmed me that D.Perrit received my letter.

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From: *Paula.Ford@dca.state.fl.us*  
To: *"Emil Veksenfeld" <emil7692@hotmail.com>*  
Subject: *RE: Petition for declaratory statement*  
Date: *Wed, 28 Mar 2007 13:30:54 -0400*

Good Afternoon, Mr. Veksenfeld:

I am unable to open the document you sent to me. I also had someone else here in the office attempt to open it. Please send the document to me as follows:

Paula Ford

Agency Clerk

Office of the General Counsel

Department of Community Affairs

2555 Shumard Oak Boulevard

Room 315G

Tallahassee, Florida 32399-2100

Please don't send certified mail. Certified Mail is signed for in the mailroom, not by the addressee unless it is so indicated. I would suggest that you send the petition via overnight mail so that I will get it before the end of the week. I will call you as soon as I receive it.

I completely understand your frustration because first of all I didn't receive the petition you sent via certified mail and then your attempts to fax it to me were unsuccessful.



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

Emil Veksenfeld P.E.  
1360 South Ocean Boulevard, Apt. 1503  
Pompano Beach, FL 33062

Dear Mr. Veksenfeld:

I am in receipt of your Petition for Declaratory Statement to the Florida Building Commission regarding the interpretation of Florida Building Code Chapter 101.4.2.3.1. Section 120.565, Florida Statutes, which governs declaratory statements by state agencies, states in pertinent part:

"The petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances."

§ 120.565(2), F.S.

While your Petitioner does identify the Code section of concern, it does not state with particularity the set of circumstances to which you believe that section of the Code applies. It is therefore legally insufficient and cannot provide the basis for the Commission to consider issuing a declaratory statement.

You may amend your Petition to include the statutorily required information. The "set of circumstances" and "particularity" requirements may be satisfied in your case by amending the Petition to identify, describe, and provide an address for the building in question.

Please note that your Petition will be dismissed if it not amended to conform to the requirements of law. Should you choose to submit an amended petition for declaratory statement, please send it to my attention at the address indicated below.

Sincerely,

Peter Kelegian  
Assistant General Counsel  
Department of Community Affairs

PK/pk

ENCLOSURES: original faxed copy of the Petition for Declaratory Statement

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2358

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

**Petition for Declaratory Statement**

**Before: Florida Department of Community Affairs  
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2555 Shumard Oak Boulevard  
Tallahassee, FL.32399-2100**

**From: Emil Veksenfeld P.E.  
1360 South Ocean Boulevard, Apt.1503  
Pompano Beach, FL. 33062  
E-mail: [emil7692@hotmail.com](mailto:emil7692@hotmail.com)  
Tel/Fax: (954) 781-2171**

**Florida Building Code Chapter 101.4.2.3.1**

**Issue: Threshold Building** " In accordance with the Florida Statute, any building which is greater than 3 stories or 50 feet in height, or which has an assembly occupancy classification that exceeds 5000 square feet in area and occupant content of greater than 500 persons"

**Question: Is the words of any building means: existing, new, residential, commercial, medical or other buildings which met requirement of Chapter 101.4.2.3.1 Florida Building Code.?**

Your participation is essential



**Emil Veksenfeld P.E.**

**March 08, 2007**

<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Address</span>	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: FLORIDA DEPT. OF COMMUNITY AFFAIRS BOARD OF BUILDING CODES & STANDARDS 2555 SHILOH ROAD DAE BLVD TALLAHASSEE, FL 32399-2100 ATT. PAULA FORD	D. Is delivery address different from item 1? <input type="checkbox"/> Yes 07 # YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7006 2150 0000 5376 5386	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, February 2004    Domestic Return Receipt    102595-02-M-1		