

DS 2026-029 CT Solutions of Florida, LLC

Summary of Issue:

Petitioner is a private provider of building code inspection services and states that it seeks to appeal Marion County's use of a modified form for providing notice of the use of a private provider, which includes notarization.

Petitioner asserts that this is in violation of section 553.791(17)(a), F.S., which prohibits local enforcement agencies from adopting or enforcing any laws, rules, procedures, qualifications, or standards more stringent than those prescribed by section 553.791, F.S.

Relevant Provisions:

Rule 28-105.001, Florida Administrative Code, states that "[a] petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person."

Petitioner's Question:

Petitioner presents the following questions:

1. Can the Local AHJ reject the Commission's adopted NTBO?
2. When it comes to providing written authorization from the fee owner, can the local AHJ require this on a specific form acceptable to the local AHJ and require such form to be notarized?

Staff's Suggested Answer:

Pursuant to Rule 28-105.001, F.A.C., "[a] declaratory statement is not the appropriate means for determining the conduct of another person."

Because Petitioner seeks a statement which would determine the conduct of other persons, the Commission declines to answer.