

Analysis for DS 2019-021

Petitioner alleges that they “have recently become aware of practices by certain individuals which do not seem to conform to Rule 61G20-3.009(4) in over 1000+ instances,” and in the petition list certain entities and approved products that they find potentially problematic.

Rule 28-105.001, Florida Administrative Code, specifies that “[a] declaratory statement is not the appropriate means for determining the conduct of another person.” Furthermore, “a petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied.” *See Novick v. Dep’t of Health*, 816 So. 2d 1237, 1240 (Fla 5th DCA 2002) (citing *Chiles v. Dep’t of State, Div. of Elections*, 711 So 2d 151 (Fla. 1st DCA 1998)).

Since the Petitioner’s questions pertain to the past conduct of other individuals, their petition should be declined, since a declaratory statement is not the appropriate mechanism through which to address their concerns.