

Staff Analysis DS 2021-005

The petitioner has submitted information indicating that his petition seeks the Commission's opinion about the appropriateness of certain past and/or ongoing building projects undertaken by other entities. Petitioner states that they are concerned about potential life safety issues associated with coastal construction activity in their area.

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 entities, their petition should be declined, since a declaratory statement is not the appropriate mechanism through which to address their concerns.