FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 10/15/2026
File #:

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA BUILDING COMMISSION
In re: The Petition for Declaratory Statement of

DS 2026-103

Marie L. Hickey,
Petitioner.
_____/

PETITION FOR DECLARATORY STATEMENT

Petitioner, Marie L.Hickey, pursuant to Section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code, hereby files this Petition for Declaratory Statement before the Florida Building Commission. In support thereof, Petitioner states as follows:

1. Petitioner Information

The name, address, telephone number, and email address of the Petitioner are:

- Name: Marie L. Hickey
- Address: 27 Sanford Avenue, DeBary, Florida 32713
- Telephone: 386-837-9237
- Email: mahicke2001@homail.com

2. Statutory and Administrative Provisions Involved

This petition seeks a formal, binding statutory interpretation and clarification regarding the application of the following provisions of Florida law and code:

- **Section 553.79(1)(a), Florida Statutes**, which mandates that a specific, written permit must be issued prior to the construction, erection, or alteration of any building or structure within the State of Florida.
- **Florida Building Code (FBC), Administrative Section 105.1 and Section 107,** governing the strict legal requirements for the submission of written construction documents, boundary surveys, and professional engineering/structural specifications prior to the authorization of building activities.

3. Background and Particular Circumstances Impacting Petitioner

Petitioner is a resident and property owner within the municipal boundaries of the City of DeBary, Volusia County, Florida. Petitioner's property interests and safety are directly

impacted by a permanent structure that was erected within municipal boundaries approximately two years ago.

The structure in question was constructed without any formal, written building permit, without a certified land survey, and without signed engineering or structural safety specifications. Local administrative officials have publicly and privately stated that the structure was built under a "verbal authorization" or "verbal okay" issued by the local building department, and local administrators have actively vacillated on its proper code classification to exempt the structure from standard enforcement and code compliance mechanisms.

4. Question Presented for the Commission

Petitioner requests that the Florida Building Commission answer the following question:

> *Does the Florida Building Code or Section 553.79, Florida Statutes, grant any legal authority or discretion to a local building official, contracted building administrator, or local municipal administration to substitute a "verbal authorization" or "verbal okay" for standard written permitting, boundary survey, and professional engineering/structural specification requirements for a permanently erected structure?*

5. Petitioner's Position

It is the position of the Petitioner that a "verbal okay" issued by a municipal official or contracted building administrator is fundamentally unlawful, ultra vires, and void ab initio under Florida law. The Florida Building Code sets forth uniform, mandatory safety standards that cannot be waived or circumvented by informal, unrecorded administrative actions or handshake agreements. Allowing local officials to verbally exempt structures from engineering metrics compromises public safety and violates state statutory mandates.

WHEREFORE, Petitioner respectfully requests that the Florida Building Commission review this petition, publish it in the *Florida Administrative Register* pursuant to law, and issue a Declaratory Statement answering the Question Presented in the negative.

Respectfully submitted this 15 day of October, 2026.

By: Marie L. Hickey

Marie L. Hickey
27 Sanford Avenue
DeBary, Florida 32713
386-837-9237