

Reviewed for Code Compliance

Kevin Powell

BU1814, PX2841, BN4866, RPX329

"Inspection Solutions, LLC hereby certifies

That these plans are in compliance

With applicable codes, and have not

Been changed, altered, or modified

By Inspections Solutions, LLC"

| | |
|--|-----------------|
| FILED | |
| Department of Business and Professional Regulation | |
| Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 11/2/2012 |
| File # | 2012-07091 |

STATE OF FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

IN RE:

THE PETITION FOR DECLARATORY STATEMENT OF
ARTESIAN POOLS

DS 2012-077

FINAL ORDER

This matter came before the Construction Industry Licensing Board (Board) pursuant to section 120.565, Florida Statutes. At a duly-noticed public meeting held on October 12, 2012 in Altamonte Springs, Florida, the Board considered the Petition for Declaratory Statement filed by ARTESIAN POOLS, who was present.

The Petition was filed with the Department of Business and Professional Regulation on September 19, 2012. Notice of the Petition was published on October 2, 2012, in the Florida Administrative Weekly. Comments were received and considered by the Board.

Having considered the Petition and relevant statutes and rules, the Board issues the following:

FINDINGS OF FACT:

1. The facts considered by the Board are as alleged in the Petition, a copy of which is attached hereto and incorporated by reference, and presented at the

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2. Petitioner is licensed by the Board as a certified swimming pool

contractor.

3. Petitioner asks the Board whether a contractor may submit his or her own site specific drawings, specifications, and plans for permitting residential swimming pools, spas, or screened enclosures not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawing; and whether building officials can reject such drawing, specifications, or plans when submitted by a properly licensed contractor via a permit application for work that falls within the scope of the contractor's license.

CONCLUSIONS OF LAW

4. The Construction Industry Licensing Board has authority to issue this Final Order pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

5. Petitioner is substantially affected, as required by section 120.565, Florida Statutes.

6. The Board incorporates section 489.113(9)(b)2, Florida Statutes, which is cited in the attached petition.

Therefore, the Board hereby issues a declaratory statement that a contractor may submit his or her own site specific drawings, specifications, and plans for permitting residential swimming pools, spas, or screened enclosures not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawing; and building officials

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cannot reject, other than for good cause, such drawing, specifications, or plans
when submitted by a properly licensed contractor via a permit application for
work that falls within the scope of the contractor's license.

The applicability of this Declaratory Statement is limited to the set of facts
incorporated herein and to the jurisdiction of the Board pursuant to Chapter 489,
Florida Statutes. This Final Order shall be effective upon filing with the Clerk of
the Department of Business and Professional Regulation.

DONE AND ORDERED this 1 day of November,

2012.



J.D. HUSSEY, JR., Chair
Construction Industry Licensing Board

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS
ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA
STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA
RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE
COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE
AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES
PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST
DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE
DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE
FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE
REVIEWED.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to: ARTESIAN POOLS, 762 South Nova Road, Daytona Beach, Florida 32114, and by hand/ interoffice delivery to Daniel Biggins, Assistant Attorney General, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050; Tammie Britt, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050 and the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039, on or before 5:00 p.m., this 2nd day of November, 2012.

Brandon M. Nichols

| U.S. Postal Service™ | |
|--|----|
| CERTIFIED MAIL™ RECEIPT | |
| (Domestic Mail Only; No Insurance Coverage Provided) | |
| For delivery information visit our website at www.usps.com ® | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |
| Postmark Here | |
| Sent To <u>Artesian Pools</u> | |
| Street, Apt. No., or PO Box No <u>762 S. Nova Rd</u> | |
| City, State, ZIP+4 <u>Daytona Beach, FL 32114</u> | |
| RS Form 3800, August 2006 | |
| See Reverse for Instructions | |

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Orange City / Deltona • (386) 774-7946
Bunnell / Palm Coast (386) 586-5569

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|--|-----------------|
| FILED | |
| Department of Business and Professional Regulation | |
| Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 9/19/2012 |
| File # | |

DS 2012-077

PETITION FOR A DECLARATORY STATEMENT BEFORE THE CONSTRUCTION INDUSTRY LICENSING BOARD

I hold a certified swimming pool contractor's license and would like to avail myself to the use of Florida Statute 489.113 (9)(b) 2, Florida Statutes, when submitting permit applications to building officials.

Reference: Section 489.113(9)(b) 2; Florida Statutes, states in pertinent part that:

(b) This part, chapter 471, chapter 481, or any other provision of law does not:

2. Require a licensed engineer or architect, when preparing drawings, specifications, plans, or master design manuals for use by any licensed contractor, to prepare site-specific drawings, specifications, or plans for the design and construction of single-family and two-family dwellings; swimming pools, spas, or screened enclosures; or any other structure not exceeding 1,200 square feet or one story in height. For the purpose of issuing building permits, local building officials shall accept such drawings, specifications, or plans when submitted by any license contractor. Upon good cause shown, local government code enforcement agencies may accept or reject plans prepared by persons licensed under chapter 471, chapter 481, or this chapter.

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My questions are as follows:

- 1.) Under this paragraph, may a contractor submit his or her own site specific drawings, specifications, and plans for permitting swimming pools, spas, or screened enclosures not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawing?
- 2.) Pursuant to Chapter 489, Part 1, Florida Statutes, do building officials have a basis to reject, other than for good cause, such drawings, specifications, or plans when submitted by a properly licensed contractor via a permit application for work that falls within the scope of the contractor's license?

CEO

Artesian Pools of East Florida

A handwritten signature in black ink, appearing to read "Ray Senior". The signature is written in a cursive, flowing style.

CPC 025538