

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>12/26/2013</b>
File #	<b>2013-08017</b>

**STATE OF FLORIDA  
CONSTRUCTION INDUSTRY LICENSING BOARD**

**IN RE:**

**THE PETITION FOR DECLARATORY STATEMENT OF  
CITY OF PORT ST. LUCIE BUILDING DEPARTMENT**

\_\_\_\_\_  
**FINAL ORDER**

**DS 2013-091**

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 November 15, 2013, in Ft. Lauderdale, Florida, the Board considered the Petition for Declaratory Statement filed by CITY OF PORT ST. LUCIE BUILDING DEPARTMENT, who was present.

The Petition was filed with the Department of Business and Professional Regulation on September 26, 2013. Notice of the Petition was published on October 8, 2013, in the Florida Administrative Register. No comments were received.

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

meeting, with no further investigation by the Board.

2. Petitioner asks the Board whether Miccosukee and Seminole Tribal members are exempt from licensure when contracting with consumers off the reservation to build "chickee."

**CONCLUSIONS OF LAW**


3. 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

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

Therefore, the Board hereby issues a declaratory statement that Miccosukee and Seminole Tribal members must be properly licensed for building a "chickee" not within the boundaries of the reservation.

The applicability of this Declaratory Statement is limited to the set of facts incorporated herein. This Final Order shall be effective upon filing with the Clerk of the Department of Business and Professional Regulation.

**DONE AND ORDERED** this 23 day of December,  
2013.

  
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ROBERT W. MOODY, 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to: DONNA M. NOTO, CITY OF PORT ST. LUCIE, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34984-5099, and by hand/ interoffice delivery to Tom Barnhart, Special Counsel, 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 26<sup>th</sup> day of December, 2013.

  
Brandon M. Nichols



**CITY OF PORT ST LUCIE**

BUILDING DEPARTMENT  
Contractor Licensing Division

A CITY FOR ALL AGES

**FILED**

Department of Business and Professional Regulation  
Deputy Agency Clerk

CLERK Brandon Nichols  
Date **9/26/2013**  
File #

Certified Mail: 70071490000433896841

August 21, 2013

Construction Industry Licensing Board  
Drew Winters, Executive Director  
1940 North Monroe St  
Tallahassee FL 32399

**DS 2013-091**

Re: Petition for Declaratory Statement

Dear Mr. Winters:

Please accept this letter as a request for declaratory statement from the CILB concerning licensure requirements for the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida.

Specifically, are the Tribes exempt from licensure as defined in FS 489 when constructing "chickee", contracted with consumers off the reservation? If so, must all person(s) performing the work be a Tribal member in order to be exempt, or can a company owned by a Tribal member employ non-Tribal employees and still be exempt?

Should you need to contact me, you may do so by calling 772-873-6371 or by email to [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com). Thank you in advance for your time.

Sincerely,

Donna M. Noto  
Contractor Licensing Coordinator  
City of Port St Lucie