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**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

MADDEN MANUFACTURING,

Case #: DCA03-DEC-296

Petitioner.

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Michael Madden of MADDEN MANUFACTURING (the "Petitioner"), which was received on October 22, 2003. Based upon the statements in the Petition and the materials subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, *Florida Administrative Code*.
2. The Petitioner is a manufacturer of roll-formed, storm panels for use on buildings in the State of Florida.
3. The Petitioner has obtained statewide product approval number 240 based on evaluation of certain storm panels and their use in the State of Florida utilizing the manufacturer's installation instructions, and meeting all other applicable criteria.
4. The Petitioner asks whether installers will be required to submit signed and sealed drawings of a product approved for statewide use by the Florida Building Commission for evaluation by a local jurisdiction when seeking a building permit?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Section 553.842, Florida Statutes (2003), by entering a declaratory statement.

2. Section 553.842(3), Florida Statutes, reads as follows:

Products or methods or systems of construction required to be approved and certified by an approved product evaluation entity as complying with the standards specified by the code shall be permitted to be used statewide, without further evaluation or approval.

3. Section 553.842(4), Florida Statutes, reads as follows:

Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.

4. A local jurisdiction is only authorized to obtain proof of statewide approval for products that have obtained statewide approval and are being used in a manner that is consistent with the limitations of use identified by the statewide approval. The Petitioner is not required to submit signed and sealed drawings of such a product.

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)© and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard,

Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Fla. Stat. (1999).

DONE AND ORDERED this 29 of January, 2004, in Coral Gables,
Miami-Dade County, State of Florida.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.

Paula P. Ford
Commission Clerk

2/2/04
Date

Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the following by
the method indicated on this 2nd day of February, 2004.

Paula P. Ford
Commission Clerk

Via U.S. Mail:

Michael Madden
Madden Manufacturing
1889 N.W. 22nd Street
Pompano Beach, Florida 33069

Via Hand Delivery:

Mo Madani, Planning Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100