

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

CLOSE IT!, L.L.C.,

Case #: DCA04-DEC-066

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Lisa Balckstone of CLOSE IT!, L.L.C., (the "Petitioner"), which was received on March 15, 2004. Based upon the statements in the Petitions 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 requesting clarification relative to whether or not its product is a "structural component" as used in Rule 9B-72, *Florida Administrative Code*, and is subject to the State Product Approval System.
3. The Petitioner manufactures a device that is designed to be retrofitted on a sliding door to meet the code requirements for swimming pool barriers found in Section 424.2.17, Florida Building Code, Building Volume (2001 as amended 7/1/2003). The device consists of two components, a self-closing and self-latching device with a release mechanism which is retrofitted on a sliding door no lower than 54 inches above the floor. The Petitioner states that

the device can be retrofitted to almost any existing sliding glass door.

4. The Petitioner requests an interpretation of Section 424.2.17, Florida Building Code, Building Volume (2001 as amended 7/1/2003), and asks the Commission to determine whether the self-closing, self-latching door closing product is a “structural component” as used in Rule 9B-72, *Florida Administrative Code*, and whether the product is subject to the State Product Approval System.

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.

2. Section 9B-72.010(29)(a), *Florida Administrative Code*, provides a list of exterior doors and includes: roll-up, sectional, sliding, swinging, automatic, or other.

3. Section 9B-72.010(29)(g), *Florida Administrative Code*, provides a structural components list and includes: truss plates, wood connectors anchors, coolers-freezers, sheds, concrete admixtures, insulation forms, engineered lumber, material, plastics, wall, deck-roofing, railing or other.

4. The Petitioner’s question is:

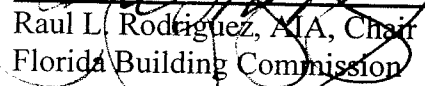
for an interpretation of Section 424.2.17, Florida Building Code, Building Volume (2001 as amended 7/1/2003), and asks the Commission to determine whether the self-closing, self-latching door closing product is a “structural component” as used in Rule 9B-72, *Florida Administrative Code*, and whether the product is subject to the State Product Approval System.

5. Therefore, the Petitioner’s question is answered as follows:

The device in question is not listed in Section 9B-72(29), *Florida Administrative Code*, and is therefore not covered under the State Product Approval System.

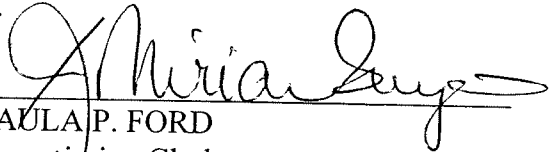
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (2003), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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. (2003).

DONE AND ORDERED this 07 of July, 2004, in Coral Gables, Miami-Dade County, State of Florida.


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 9th day of July, 2004.


for PAULA P. FORD
Commission Clerk

Via U.S. Mail:

Lisa Blackstone
Close It!, L.L.C.
1570 Warsaw Road
Roswell, Georgia 30076

Via Hand Delivery:

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