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**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

ASSA ABLOY,

Case #: DCA04-DEC-157

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from ASSA ABLOY, (the "Petitioner"), which was received on August 9, 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 of Product Approval Rule 9B-72.060, *Florida Administrative Code*.

3. The Petitioner asks the following question:

We are seeking clarification of Rule 9B-72 as to which category in Section 9B-72.060 is to be used for listing component hardware for exterior doors?

4. The Petitioner is a leading manufacturer and supplier of locking solutions, dedicated to satisfying end-user needs for security, safety, and convenience. The Petitioner has submitted applications for consideration of approval to the Florida Building Commission by an architectural

hardware company.

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 553.77(1)(i), Fla. Stat. (2003) states as follows:

(1) The commission shall:

(i) Determine the types of products requiring approval for local or statewide use and shall provide for the evaluation and approval of such products, materials, devices, and method of construction for statewide use. The commission may prescribe by rule a schedule of reasonable fees to provide for evaluation and approval of products, materials, devices, and methods of construction. Evaluation and approval shall be by action of commission or delegated pursuant to s. 553.842. This paragraph does not apply to products approved by the State Fire Marshal..

3. Section 553.842(6), Fla. Stat. (2003) states as follows:

Statewide or local approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by local officials or the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.

4. Section 553.842(6), Fla. Stat. (2003) states as follows:

Statewide or local approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by local officials or the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.

5. Rule 9B-72.060, *Florida Administrative Code*, Optional Statewide Approval Generally, states as follows:

Statewide approval of products or revisions to existing statewide product approvals requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the

Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code. Approval by the Commission for statewide use shall be limited to the following categories of products:

(2) Exterior Doors ...

6. Rule 9B-72.010(29), *Florida Administrative Code*, Definitions, states as follows:

Subcategory of product means a specific functionality:

(a) For exterior doors: roll-up, sectional, sliding, swinging, automatic, or other . . .

7. The Petitioner's question is:

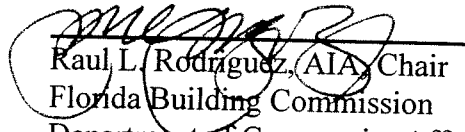
We are seeking clarification of Rule 9B-72 as to which category in Section 9B-72.060 is to be used for listing component hardware for exterior doors?

8. Therefore, the Petitioner's question is answered as follows:

Component hardware for exterior doors falls under the category of structural component. However, exterior door component hardware does not need separate approval under Rule 9B-72 if the hardware is part of an approved door assembly.

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 1 of November, 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 14 day of November, 2004.

PAULA P. FORD
Commission Clerk

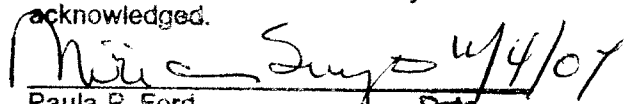
Via U.S. Mail:

James Bell
Assa Abloy Windstorm Coordinator
5278 N.W. 117th Avenue
Coral Springs, Florida 33076

Via Hand Delivery:

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

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


Paula P. Ford
Commission Clerk
Date 11/4/07