

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

Case #: DEC04-DEC-161

PALM BEACH COUNTY,  
BUILDING DIVISION,

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Robert Boyer of PALM BEACH COUNTY, BUILDING DIVISION (the "Petitioner"), which was received on August 17, 2004. Based upon the statements in the Petition, the materials subsequently submitted and the proceedings before the Commission, 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 an authority having jurisdiction to enforce the Florida Building Code and perform local approval of products pursuant to Rule 9B-72, Florida Administrative Code.
3. The Petitioner has been presented plans showing a pre-engineered, roof access hatch that is part of the envelope of the building.
4. The Petitioner inquires whether a roof access hatch fall under a category of product covered in Rule 9B-72, Florida Administrative Code?

**Conclusions of Law**

5. The Florida Building Commission has the jurisdiction and authority to enter a Declaratory Statement interpreting the requirements of Rule 9B-72, Florida Administrative Code.

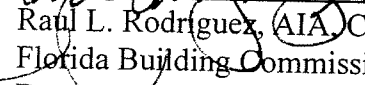
6. §553.842(6), Florida Statutes (2003), requires that structural components be approved in accordance with the procedures adopted by the Commission.

7. Rule 9B-72.010(28), Florida Administrative Code, defines “structural component” as “any part or assembly of a building or structure used or intended to support or shelter any use or occupancy, and which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.”

8. A pre-engineered roof access hatch attached to the structure meets the definition of structural component as per Rule 9B-72.010(28), Florida Administrative Code and is subject to the requirements for product approval.

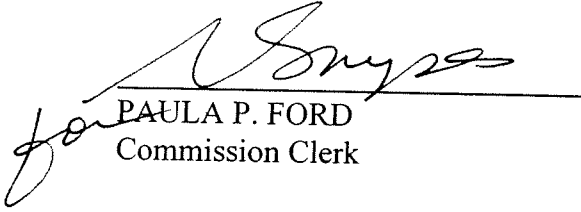
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford,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

DONE AND ORDERED this 24<sup>th</sup> of February, 2005, 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 25<sup>th</sup> day of Feb, 2005.

  
PAULA P. FORD  
Commission Clerk

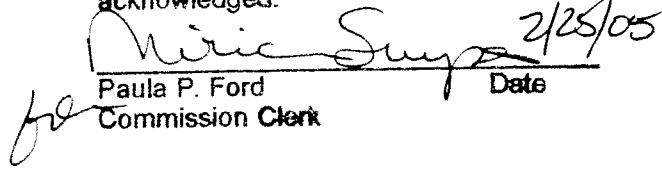
**Via U.S. Mail:**

Robert Boyer  
Palm Beach County Building Division  
100 Australian Avenue  
West Palm Beach, Florida 33406

**Via Hand Delivery:**

Mo Madani, CBO  
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

2/25/05  
Date