

Rule 9B-12

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

THE BILCO COMPANY,

Case #: DCA04-DEC-195

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Roger Joyce of THE BILCO COMPANY, (the "Petitioner"), which was received on October 4, 2004. 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 constructs roof scuttles for use in projects that are subject to the Florida Building Code.
3. The Petitioner inquires whether its product is subject to mandatory product approval pursuant to Rule 9B-72, Florida Administrative Code.

Conclusions of Law

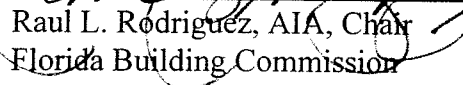
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.
2. The instant inquiry is materially identical to that presented in Case #

DCA04-DEC-161.

3. As provided in the previous matter, pre-engineered hatches, such as those manufactured by the Petitioner, meet the definition of structural component as per Rule 9B-72.010(28), Florida Administrative Code, and are therefore subject to the requirements for product approval.

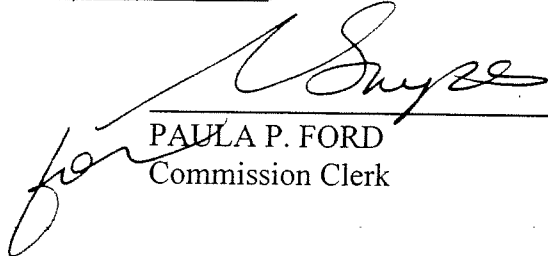
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 24th 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 25th day of Feb, 2005.



PAULA P. FORD
Commission Clerk

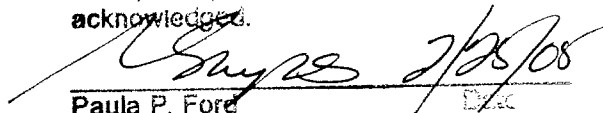
Via U.S. Mail:

Roger Joyce
The Bilco Company
37 Water Street
West Haven, Connecticut 06516

Via Hand Delivery:

Mo Madani, 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