

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

CONSTRUCTION SPECIALTIES, INC.,

Case #: DCA04-DEC-219

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from W. Vincent of CONSTRUCTION SPECIALTIES, INC., (the "Petitioner"), which was received on October 28, 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 manufactures louvers for use in projects subject to the Florida Building Code, and which are products within the scope of the system of product approval implemented by the Commission in Rule 9B-72, Florida Administrative Code.
3. The louvers specifically at issue in the Petition are non-standardized models, installed pursuant to a custom-engineered design.
4. The Petitioner inquires whether the louvers described above are subject to the requirements of Rule 9B-72, Florida Administrative Code.

### **Conclusions of Law**

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

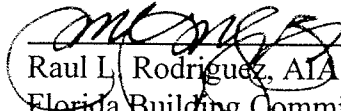
2. Section 553.842(11), Florida Statutes, states:

Products, other than manufactured buildings, which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved for the fabricated or assembled product's use and the components meet the standards and requirements of the Florida Building Code which applies to the product's intended use.

3. The louvers described in the petition are within the scope of the foregoing exemption. Therefore, the Petitioner's non-standardized models, installed pursuant to a custom-engineered design are not subject to the requirements of Rule 9B-72, Florida Administrative Code.

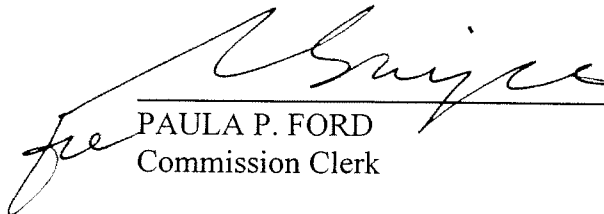
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford,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

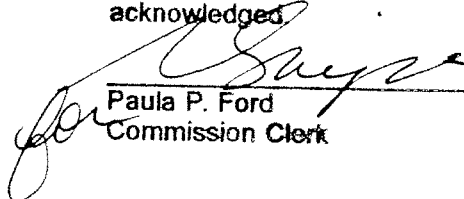
**Via U.S. Mail:**

W. Vincent  
Construction Specialties, Inc.  
49 Meeker Avenue  
Cranford, New Jersey 07016

**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  
Date 2/25/05