

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

ALLIED BUILDING PRODUCTS CORPORATION

Case #: DCA05 DEC-074

VIROC USA

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Alan Bookspan of the Allied Building Products Corporation Viroc USA, (the "Petitioner"), which was received on April 7, 2005 and amended on April 18, 2005. 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. Petitioner represents manufacturer Viroc cement bonded particle board used for sub-flooring, and has been sold to the Florida Modular Industry to be used as a flooring substrate in Type 4 portable classrooms manufactured for use in the state of Florida. Viroc has been continuously used in such classrooms since 2001.
3. Viroc has been evaluated by BOCA-ES as Type T2 cement bonded particle board, Research File No. 94-61, Division 06-Section 06128.

5. Petitioner inquires whether Viroc is subject to the requirements of Product Approval, 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.

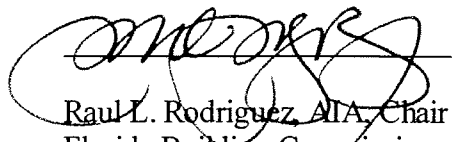
2. Rule 9B-72.060, *Florida Administrative Code*, identifies the following in the scope of the Rule:

- (1) Panel Walls;
- (2) Exterior Doors;
- (3) Roofing Products;
- (4) Skylights;
- (5) Windows;
- (6) Shutters;
- (7) Structural components; and
- (8) Products comprising a building's envelope introduced as a result of new technology.

3. The Commission finds that Viroc for the purpose identified is not subject to Rule 9B-72, *Florida Administrative Code*, for Product Approval, because Viroc is a sub-flooring material and the Product Approval Rule does not cover floors.

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. (2004), 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. (2004).

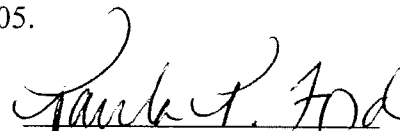
DONE AND ORDERED this 16th day of August, 2005, in Coral Gables,
Miami-Dade County, State of Florida.



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 18th day of August, 2005.


PAULA P. FORD
Commission Clerk

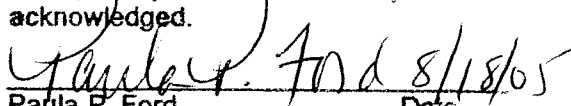
Via U.S. Mail:

Alan Bookspan
Allied Building Products Corp. Viroc USA
51 Winter PL.
East Rutherford, New Jersey 07073

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

8/18/05
Date