

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

ANDREW CROFT,
FASTNET INTERNATIONAL

Case #: DCA05 DEC-284

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Andrew Croft of Fastnet International, (the "Petitioner"), which was received on December 30, 2005. Based upon the statements in the Petition and the materials subsequently submitted, it is hereby ORDERED:

Findings of Fact

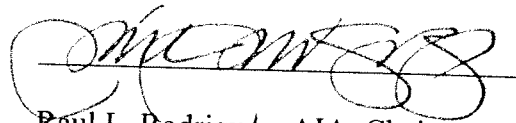
1. The petition is filed pursuant to § 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. Petitioner's company produces a product called the "Fastnet System," which is a protective netting for pitched roofs intended for use in projects subject to the Florida Building Code. The purpose of the Fastnet System is to stop roof tiles and shingles from being blown away in high winds; the Fastnet System is not designed to add structural strength to buildings.
3. Petitioner asks whether the Fastnet System falls within the scope of Rule 9B-72, Florida Administrative Code, specifically under the category Roofing and sub-category New Technology and Roof Accessories.

CONCLUSIONS OF LAW

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Chapter 9B-72 of the Florida Administrative Code by entering a declaratory statement.
2. Rule 9B-72.005 establishes the scope of Rule 9B-72 by listing specific subcategories and generally what the Rule covers, including:
 - (1) Products in the following categories as defined by subcategories of subsection 9B-72.010(31), F.A.C., by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state.
 - (a) Panel Walls;
 - (b) Exterior Doors;
 - (c) Roofing Products;
 - (d) Skylights;
 - (e) Windows;
 - (f) Shutters; and
 - (g) Structural components
 - (2) This rule applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code.
3. This product does not fall in any expressed subcategory or under the general scope of Rule 9B-72, and so the answer is “no”, the product in question falls outside the scope of Rule 9B-72. As per Rule 9B-72.005, the rule is limited in scope to products and systems which comprise the building envelope and structural frame.

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with § 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).

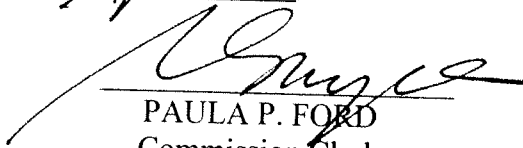
DONE AND ORDERED this 27th day of April, 2006, in Coral Gables, Miami-Dade County, State of Florida.



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 April, 2006.


PAULA P. FORD
Commission Clerk

Via U.S. Mail:

Andrew Croft
Fastnet International
Brenton Business Complex
Suite 1 Bond Street
Bury
Lancashire
England
BL9 7BE

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 14 day of April in the designated
Agency Clerk, Missam Snipes which is hereby
acknowledged


Missam Snipes
Deputy Agency Clerk

4/14/06
Date