

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

DOOR AND ACCESS SYSTEMS  
MANUFACTURERS ASSOCIATION,

Case #: DCA06-DEC-067

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission ("the Commission") by a petition from Joseph R. Hetzel, P.E., Technical Director of Door and Access Systems Manufacturers Association (DASMA) ("the Petitioner"), and was received on February 21, 2006. Based upon the statements in the Petition, 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 association with an interest in products and applications governed by the Florida Building Code ("the Code").
3. The Petitioner inquires whether a manufacturer of products governed by the Code can use test reports initiated before January 1, 2006, compliant with an earlier Rule in effect at the time of initiation of testing, when applying for state product approval under the current Rule 9B-72.

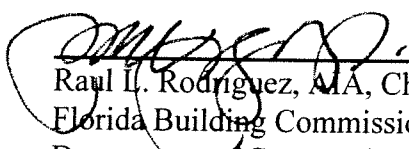
**Conclusions of Law**

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

2. The answer to the Petitioner's question is NO. Rule 9B-72.070(4), Florida Administrative Code states that "[w]hen the Code requires a standardized test as a component of a product approval using the evaluation report or certification compliance method, the test lab must be accredited by an approved accreditation body for the test performed...."

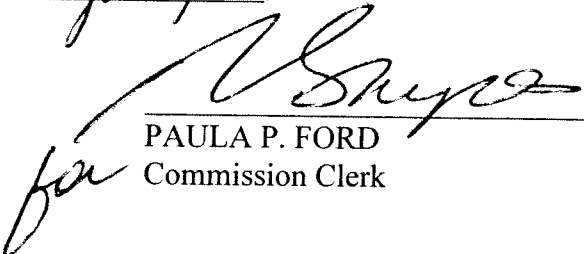
3. Rule 9B-72.070(4), Florida Administrative Code became immediately effective January 1, 2006, and thus governs all approvals occurring on or subsequent to January 1, 2006. By its plain language, it is clear that a test from an unaccredited lab is insufficient for an approval governed by the rule.

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 16th of May, 2006, in Coral Gables, Miami-Dade County, State of Florida.

  
Raul L. Rodriguez, M.A., 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 5<sup>th</sup> day of July, 2006.

  
PAULA P. FORD  
Commission Clerk

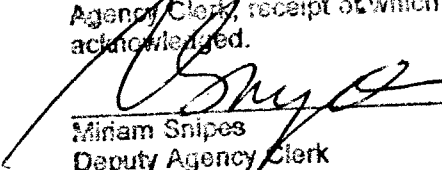
**Via U.S. Mail:**

Joseph R. Hetzel, P.E.  
Technical Director  
DASMA  
1300 Sumner Avenue  
Cleveland, Ohio 44115-2851

**Via Hand Delivery:**

Mo Madani, C.B.O. 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  
Agency Clerk, receipt of which is hereby  
acknowledged.

  
Minam Snipes  
Deputy Agency Clerk

7/5/06  
Date