

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

DIRITEC,

Case #: DCA06-DEC-072

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (“the Commission”) by a petition from Diego Rivera for DIRITEC (“the Petitioner”), and was received on February 28, 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 a corporation which manufactures products for use in applications governed by the Florida Building Code (“the Code”).
3. The Petitioner inquires as to whether a product it manufactures—Plycem Trim, described by Petitioner as “a fiber cement trim used as an accessory or complement to any siding application...”—is governed by Rule 9B-72, Florida Administrative Code.
4. Section 1404.10, Florida Building Code, Building Volume (2004), establishes standards for fiber cement siding: “[f]iber cement siding shall conform to the requirements of ASTM C 1186....”

**Conclusions of Law**

1. The Florida Building Commission has the specific statutory authority to interpret

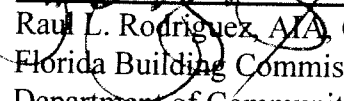
the provisions of the Florida Building Code by entering a declaratory statement.

2. Petitioner has identified Plycem Trim as a non-structural accessory to siding; nevertheless, as described in the petition, the product is considered siding for purposes of the rules governing product approval. Chapter 9B-72, Florida Administrative Code identifies siding as a sub-category of Panel Wall, and applies product approval requirements to siding. See, e.g., Rules 9B-72.005 and 9B-72.010(31), Fla. Admin. Code.

3. The answer to Petitioner's question is YES, as the product in question is siding, it is therefore governed by Rule 9B-72, Florida Administrative Code.

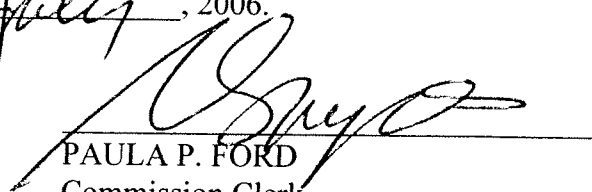
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 16th of May, 2006, in Coral Gables,  
Miami-Dade County, State of Florida.

  
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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 5<sup>th</sup> day of July, 2006.

  
PAULA P. FORD  
Commission Clerk

**Via U.S. Mail:**

Diego Rivera  
1230 Oakridge Drive  
Glendale, California 91205

**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