

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

QMI SECURITY SOLUTIONS,

Case No.: DCA06-DEC-094

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission ("the Commission") by a petition from James V. Miller on behalf of QMI Security Solutions ("the Petitioner"), which was received on March 9, 2006. Based upon the statements in the Petition and the materials subsequently submitted, it is hereby ORDERED:

**Findings of Fact**

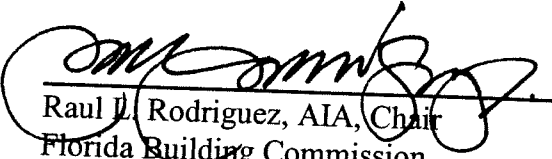
1. The petition is filed pursuant to Section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner is an entity that manufactures products for use in applications governed by the Florida Building Code.
3. The Petitioner inquires whether an entity that is not an approved test lab can make a test report generated by and approved test lab available to manufacturers to use as their own in manufacturing products.

**Conclusions of Law**

1. The Florida Building Commission has the specific statutory authority to interpret its adopted rules by entering a declaratory statement.

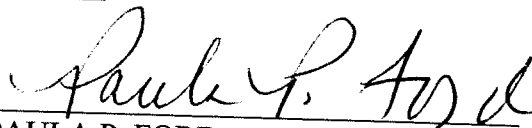
2. Rule 9B-72.010, Florida Administrative Code, defines "test report" as follows:  
(33) Test report means a report from an approved testing laboratory which provides performance data showing compliance with a code requirement as determined by a referenced standard test method or equivalent standard test method pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products' use.
3. The Florida Building Commission's rules establish standards governing the approval of testing laboratories and the content of test reports.
4. Nothing in the Florida Building Commission's rules limits the distribution of test reports.
5. Accordingly, the Florida Building Commission concludes that a manufacturer may distribute test reports and a manufacturer may utilize distributed test reports, though test reports are only valid insofar as they issued by an approved testing entity in the requisite form as governed by the Florida Building Commission's rules an apply to the product for which approval is sought.

DONE AND ORDERED this 16th of NOVEMBER, 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 21<sup>st</sup> day of November, 2006.



PAULA P. FORD  
Commission Clerk

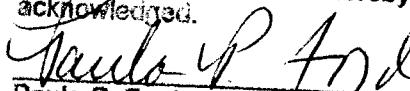
**Via U.S. Mail:**

James V. Miller  
QMI Security Solutions  
1661 Glenlake Avenue  
Itasca, Illinois 60143

**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  
Clerk, receipt of which is hereby  
acknowledged.

 11/21/06  
Paula P. Ford  
Commission Clerk

Date