

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

Roll-A-Cover International,

Case #: DCA06-DEC-179

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Michael P. Morris, on behalf of Roll-A-Cover International, (Petitioner) which was received on August 1, 2006. Based on the statements in the Petition and the material subsequently submitted, it is hereby ORDERED:

Finding 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, Roll-A-Cover International, manufactures retractable self-standing enclosures. Each enclosure is custom built for each request and/or application.
3. Petitioner seeks clarification as to whether the aforementioned enclosures fall under the roof panel, wall panel and glazing sub-categories required for a Florida Product Approval.
4. The Florida Building Commission, in response to a factually similar question, issued DCA04-DEC-070, found that the manufacturer, of specially designed metal buildings, created custom fabricated buildings within the meaning of section of 553.842(10), Florida Statutes.

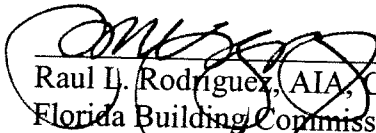
Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72.005, Florida Administrative Code, by entering a declaratory statement.
2. Section 553.842 (10), Florida Statutes, states that “[p]roducts, other than manufactured buildings, which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved for the fabricated or assembled product's use and the components meet the standards and requirements of the Florida Building Code which applies to the product's intended use.”
3. Custom fabricated products are not within scope of Rule 9B-72.005, Florida Administrative Code.
4. Components of a custom product building may be within scope of Rule 9B-72.005, Florida Administrative Code.
5. Component approval may also be obtained at the local level pursuant to section 553.8425, Florida Statutes. Local approval for components of the building that are required to be designed and fabricated in accordance with specification standards referenced in the FBC may be achieved through local plan review and inspection provided that such components are inspected by an approved inspection agency as required by Rule 9B-72.
6. Based upon the foregoing, the products produced by Roll-A-Cover International, are custom fabricated products in accordance with section 553.842(10), Florida Statutes. The custom fabricated buildings that Roll-A-Cover, Inc., produces are outside

the scope if the Rule 9B-72.005, Florida Administrative Code. Separate approval is not required for each individual building. Components of the custom built building, such as deck-roof, wall/siding, windows and doors, are within the scope of Rule 9B-72.005, Florida Administrative Code, and approval for these components may be obtained at the local level or through the Commission.

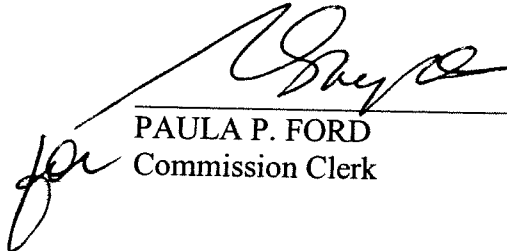
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal no 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), Florida Statutes.

DONE AND ORDERED this 13th of December, 2006, in City of Coral Gables, County of Miami Dade, State of Florida.


Raul I. 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 Dec, 2006.


PAULA P. FORD
Commission Clerk

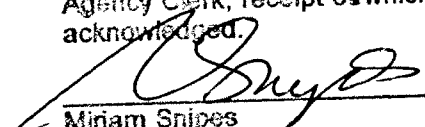
Via U.S. Mail

Michael P. Morris, CEO
Roll-A-Cover International
36 Sargent Drive
Bethany, CT 06524

Via Hand Delivery

Mo Madani, C.B.O. Planner
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

12/18/06
Date