

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

ORIOLOM CORP.,

Case #: DCA06-DEC-273

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Jack McLaughlin, on behalf of ORIOLOM CORP., (Petitioner) which was received on October 24, 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, ORIOLOM CORP., has designed a product to secure plywood to window openings for storm protection without damaging the exterior finish of the structure. The Petitioner wishes to have the product manufactured in China and market it in the United States.
3. The Petitioner directs several questions to the Commission, but the only question to which the Commission may respond is whether the product they have designed is subject to Rule 9B-72, Florida Administrative Code.

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72, Florida Administrative Code (F.A.C.) by entering a declaratory statement.

2. Rule 9B-72.005, F.A.C., states:

Scope.

(1) Products in the following categories as defined by subcategories of subsection 9B-72.010(31), F.A.C., shall be available for approval 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.

(emphasis added)

3. Rule 9B-72.010, F.A.C., states:

Definitions.

The following terms have the meanings indicated.

(31) Sub-category of product or construction system means a specific functionality:

.....

(e) For shutters: accordion, Bahama, storm panels, colonial, roll-up, pre-engineered equipment, protection, and products introduced as a result of new technology;

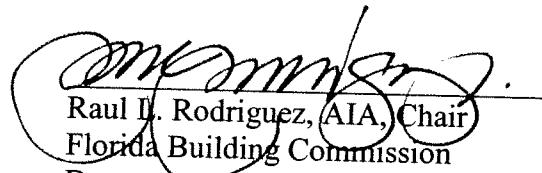
(emphasis added)

4. In response to the Petitioner's first question, hurricane shutters and their components are covered by Rule 9B-72 F.A.C. The remainder of the Petitioner's questions exceed the scope of a Declaratory Statement request as they relate to product development.

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

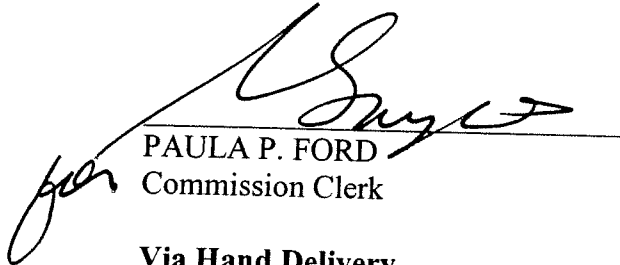
thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 16 of July, 2007, in 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 17 day of July, 2007.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Jack McLaughlin
V.P. Sales and Marketing
ORIOLUM CORP.
17999 Sailfish Dr.
Lutz, FL 33558

Via Hand Delivery

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