

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

PERMA-COLUMN, INC.

Case #: DCA06-DEC-287

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Philip Stoller, on behalf of PERMA-COLUMN, INC. (Petitioners) which was received on November 16, 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, PERMA-COLUMN, INC., supplies pre-cast concrete posts in over twenty states, and hopes to do the same in Florida, subject to the Florida Building Code (2004, as amended 12/05 and 12/06).
3. The Petitioner seeks clarification of whether the products in question fall under the scope of Rule 9B-72 of the Florida Administrative Code (FAC).

Conclusions of Law

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

2. Rule 9B-72.005 of the FAC, states:

9B-72.005. 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.

3. Rule 9B-72.010(30), FAC, defines “structural component” as follows:

(30) Structural component means any part or assembly of buildings that comprises the main wind force resisting system and components or cladding.

4. Rule 9B-72.010(31)(f), FAC, defines “structural component” by its functionality as follows:

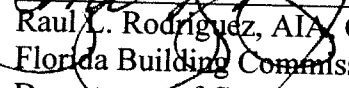
(g) For structural components: truss plates, wood connectors, anchors, exterior coolers-freezers, insulation form systems, engineered lumber, pre-engineered air conditioner stands, structural wall components, and roof deck, and products introduced as a result of new technology.

5. Based on the above, the answer to the Petitioner’s question is that the pre-cast concrete posts would be deemed structural components according to Rule 9B-72.010 of the FAC. As such, their use in Florida would have to be contingent upon their approval, pursuant to Rule 9B-72.090, FAC.

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

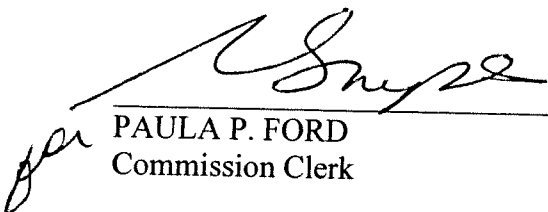
thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 24th of April, 2007, in Coral Gables, Miami-Dade County, State of Florida.


Raul C. 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 26th day of April, 2007.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Philip Stoller
Perma-Column, Inc.
400 Carol Ann Lane
Ossian, IN 46777

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