

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

UNDERWRITERS LABORATORIES, INC.,

Case #: DCA08-DEC-204

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Robert Jamieson of Underwriters Laboratories, Inc., which was received on July 15, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner serves as an approved product validation entity and certification entity for products seeking approval by the Commission pursuant to Rule 9B-72, Florida Administrative Code.
3. The Petitioner validates applications for only those products that it certifies, and it does not certify any products that require rational analysis or any additional evaluation report to demonstrate compliance with the Florida Building Code.
4. The Petitioner has two questions concerning the validation checklist for the certification method of product approval, also known as the Administrative Validation

Checklist, adopted by reference in Rule 9B-72.130(3)(a), Florida Administrative Code; specifically:

(a). Whether the final, unnumbered checkbox on that form is intended for validation entity to validate to the Commission the product's compliance only with the test standards referenced in the Florida Building Code and not intended to include the full scope of the Florida Building Code; and,

(b). Whether the Petitioner can appropriately check the checkbox for paragraph 12 when its certifications are not submitted on the basis of rational analysis?

5. The subject checklist is an electronic form maintained on the Building Code Information System, consisting of 14 checkboxes, each of which relating to statements that must be verified for the application to proceed.

6. The twelfth paragraph requires the validator to confirm that “[i]f the documentation indicates that rational analysis was used, verify whether the rational analysis is within the scope of the product certification and if not then verify that an evaluation report is submitted.”

7. The final, unnumbered paragraph requires the validator to confirm that “[t]o the best of [its] knowledge, this application is complete, the items in the checklist above have been verified, and the Certification documentation submitted with this application indicates that the product, method, or system described in this application meets or exceeds the Florida Building Code requirements and reference standards listed in the application.”

Conclusions of Law

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

2. Rule 9B-72.080(1), Florida Administrative Code, requires that products seeking approval by the certification method are validated as provided by the validation checklist adopted by reference in Rule 9B-72.130(3)(a), Florida Administrative Code.

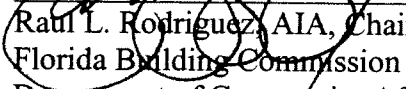
3. The scope of the validation addressed in the final paragraph is defined by the application itself. In the Petitioner's circumstances, the Petitioner is responsible to validate to the Florida Building Commission that the standard listed on the product certificate issued by the Petitioner complies with the test standard referenced in the Code.

4. The twelfth paragraph requires certain actions if a condition precedent is met. In the Petitioner's circumstances where no rational analysis is involved, that condition is not met, and therefore, no actions are required. Checking the checkbox next to paragraph 12 in such circumstances only verifies that the statement is not applicable.

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, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of

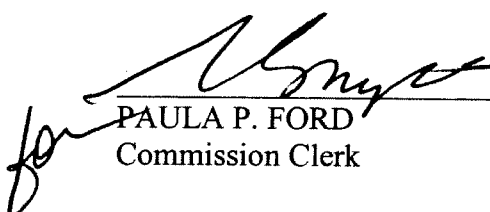
the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 6 of January, 2009, 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 Blvd.
Tallahassee, FL 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 8th day of Jan, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Robert Jamieson
Underwriters Laboratories, Inc.
333 Ringster Road
Northbrook, Illinois 60062

Via Hand Delivery

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