

STATE OF FLORIDA
BUILDING COMMISSION

1/8/09

In the Matter of

BAMBOO TECHNOLOGIES

Case #: DCA08-DEC-258

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from David Sands of Bamboo Technologies which was received on September 5, 2008. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, 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 markets bamboo components for use in buildings and proposes to sell these components for use in buildings subject to the Florida Building Code.
3. Specifically, the Petitioner markets a particular bamboo pole and has subjected the pole to testing to determine its structural properties. The testing results have indicated use of the product is acceptable under the International Building Code and the International Residential Code and the Petitioner's quality assurance are compliant with the requirements of the International Code Council.

4. The Petitioner inquires whether it can obtain state approval for the bamboo poles pursuant to Rule 9B-72, Florida Administrative Code [F.A.C.]?

Conclusions of Law

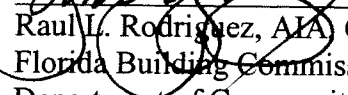
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code and Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

2. Rule 9B-72.010(22), F.A.C., defines product as “any individual type of manufactured goods, system or method of construction.”

3. The Commission concludes that the bamboo poles described in the Petition are not products within the meaning of the Rule, but rather are raw materials from which products may be manufactured. The Commission notes, however, that the Petitioner’s materials, their characteristics and their mechanical properties are subject to review and approval at the local level.

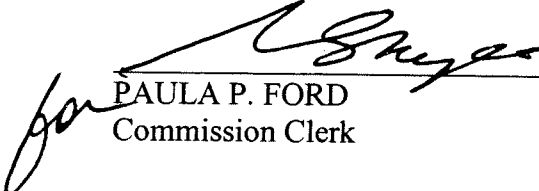
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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

David Sands
Bamboo Technologies
Post Office Box 1238
Haiku, Hawaii 96708

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