

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

STRUCTA WIRE CORPORATION,

Case #: DCA08-DEC-047

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Abe Sacks, Chairman, STRUCTA WIRE CORP., (Petitioner) which was received on February 18, 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 manufactures products for use in construction in the State of Florida, specifically welded-wire stucco reinforcing products.
3. The Petitioner inquires whether the requirements of Rule 9B-72, Florida Administrative Code, apply to its product.

Conclusions of Law

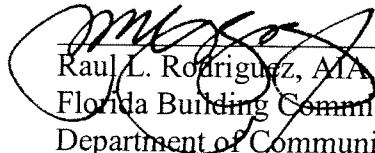
1. The Florida Building Commission has the specific statutory authority to interpret the provisions Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

2. Rule 9B-72.005, Florida Administrative Code, limits application of the state system of product approval to “products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code.”

3. On the basis of the foregoing, the answer to the Petitioner’s question is NO, the requirements of Rule 9B-72, Florida Administrative Code do not apply to the Petitioner’s product as provided in the above cited rule.

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 11 of June, 2008, 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

