

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

E-Z TAPING SYSTEM, INC.,

Case #: DCA07-DEC-194

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Gary Swartz, President of E-Z Taping System, Inc., (Petitioner) which was received on September 26, 2007. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

Findings of Fact

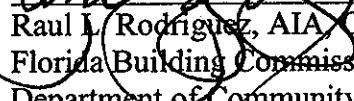
1. The petition is filed pursuant to, and must conform to the requirements of, Rule 28-105.002, Florida Administrative Code.
2. The Petitioner manufactures a product for use in construction in the State of Florida, specifically a taping system for use in conjunction with fire-rated gypsum board that has undergone testing to determine whether its product is one-hour fire rated. The product is not an element of the building envelope or structural frame of structures in which it is used.
3. The Petitioner inquires whether the requirements of Rule 9B-72, Florida Administrative Code, apply to its product, and, specifically, whether "State Product Approval is required to use E-Z FIRE TAPE in the State of Florida."

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 and approval by the Commission for statewide use is not required to use that product.

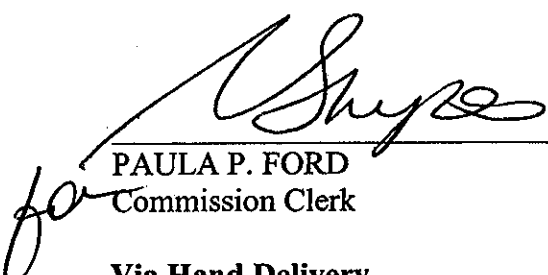
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 6th of FEBRUARY, 2008, in Coral Gables,
Miami-Dade County, State of Florida.


Raul J. 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 Feb, 2008.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Gary Swartz,
President
E-Z Taping System, Inc.
Post Office Box 11263
Green Bay, Wisconsin 54307

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