

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

Warren Schaefer, P.E.,

Case #: DCA06-DEC-200

Petitioner.

\_\_\_\_\_ /

**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Warren Schaefer, P.E., (Petitioner) which was received on August 18, 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, Mr. Schaefer P.E., is in the process of writing the installation details for aluminum clad wood sliding doors (non-impact resistant) and aluminum clad wood swing doors (impact resistant) that are subject to the Florida Building Code (FBC).
3. Manufacturer's installation method used for testing the subject doors is as follows:

Nail fin secured to frame clad with No. 8 screws at 14" O.C., and  
to wood buck with 2" roofing nails at 10" O.C.

4. The Petitioner, Mr. Schaefer, P.E., inquires whether the following anchor substitutes would serve as an acceptable substitute provided that they are reviewed and certified by a Florida Licensed Engineer:

- a. Nail fin condition tested with option to substitute nails with No. 8 x 1 ½" SMS screws.
- b. Installation of doors to wood buck with frame shear screws at 16" O.C. Nail fin to be considered optional.
- c. Installation of doors to CMU with ¼" concrete screws at 16" O.C. Nail fin will not be used.

### **Conclusions of Law**

1. The Florida Building Commission has the specific statutory authority to enter a declaratory statement interpreting the provisions of Rule 9B-72, Florida Administrative Code (F.A.C.).

2. Rule 9B-72.070(1)(e), F.A.C., prohibits the use of the rational engineering analysis in lieu of a standardized test required by the FBC for approval of products within the scope of the standard. However, the rule provides an exception for local project specific product approval that is in accordance with alternate methods and materials authorized in the FBC.

3. Rule 9B-72.070(7), F.A.C., requires review and verification of product installation instructions, including anchorage requirements by either the certification agency or by the manufacturer's licensed design professional.

4. Section 1714.5.4, Building, FBC, provides that anchorage "methods in this section apply only to anchorage of window and door assemblies to the main wind force resisting system."

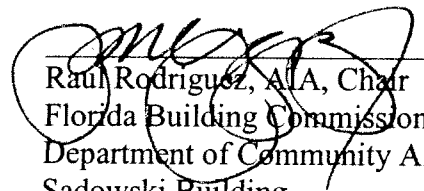
5. Section 1714.5.4.1, Building, FBC, provides that:

[w]indow and door assemblies shall be anchored in accordance with the published manufacturer's recommendations to achieve the design pressure specified. Substitute anchoring systems used for substrates not specified by the fenestration manufacturer shall provide equal or greater anchoring performance as demonstrated by accepted engineering practice.

6. Based on the foregoing, the proposed anchor substitutes are not acceptable substitutes to what was originally tested. Rational engineering analysis can not be used in lieu of standard testing except that local projects may have specific product approval in accordance with alternate methods and materials authorized in the code.

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 3rd of December 2006, in City of Coral Gables, County of Miami Dade, State of Florida.

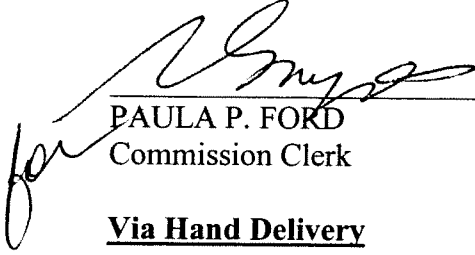
  
Raul Rodriguez, AIA, Chair  
Florida Building Commission  
Department of Community Affairs  
Sadowski Building  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2

**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 18<sup>th</sup> day of DEC, 2006.

**Via U.S. Mail**

Warren Schaefer, P.E.  
600 Soultree Drive  
Suite 203B  
Palm Beach Gardens, Fl 33403

  
PAULA P. FORD  
Commission Clerk

**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

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Agency Clerk, receipt of which is hereby  
acknowledged.

  
Miriam Snipes  
Deputy Agency Clerk

12/18/06  
Date