

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

HURRICANE HARNESS  
CORPORATION,

Case #: DCA06-DEC-283

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from James Lozier, on behalf of HURRICANE HARNESS CORPORATION, (Petitioner) which was received on November 6, 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, James Lozier, on behalf of HURRICANE HARNESS CORPORATION, has designed a product to increase the wind resistance of a residential structure's roof during hurricanes. The product consists of tie-down straps that are secured to opposite sides of the foundation via anchor bolts set into epoxy, and are then placed over the roof of the building.
3. Petitioner seeks clarification from the Commission of whether the product in question falls within the scope of Rule 9b-72, Florida Administrative Code.

**Conclusions of Law**

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

2. Rule 9B-72.005, F.A.C., states:

**Scope.**

(1) Products in the following categories as defined by subcategories of subsection 9B-72.010(31), F.A.C., shall be available for approval by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state:

- (a) Panel Walls;
- (b) Exterior Doors;
- (c) Roofing Products;
- (d) Skylights;
- (e) Windows;
- (f) Shutters; and
- (g) Structural components.

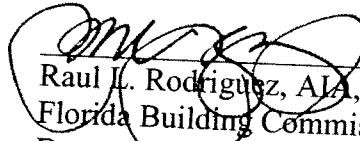
(2) This rule applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code.

3. Based on the above, the answer to the Petitioner's question is no. The product Petitioner describes is an aftermarket retrofit and does not fall within Rule 9B-72, which is limited in scope to components of the building envelope and structural frame. Further, the product application falls outside the scope of the Florida Building 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

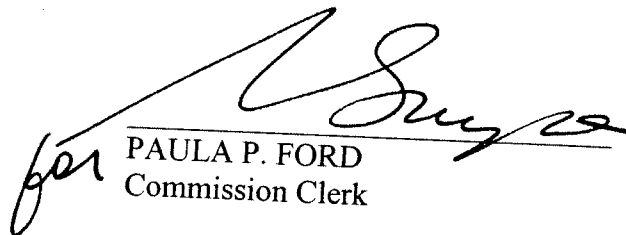
filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 16 of July, 2007, in Miami-Dade County, State of Florida.

  
Raul L. Rodriguez, AIA, Chair  
Florida Building Commission  
Department of Community Affairs  
Sadowski Building  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 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 17 day of July, 2007.

  
PAULA P. FORD  
Commission Clerk

**Via U.S. Mail**

James Lozier, President  
Hurricane Harness Corporation  
9790 66<sup>th</sup> St., N. Suite 164  
Pinellas Park, FL 33782-2812

**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