

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

FLORIDA ROOFING, SHEET
METAL & AIR CONDITIONING
CONTRACTORS ASSOCIATION,
INC.

Case #: DCA06-DEC-284

Petitioners.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Steve Munnell, on behalf of FLORIDA ROOFING SHEET METAL & AIR CONDITIONING CONTRACTORS ASSOCIATION, INC. (Petitioners) which was received on November 14, 2006 and was revised on November 28, 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, FLORIDA ROOFING SHEET METAL & AIR CONDITIONING CONTRACTORS ASSOCIATION, INC. is requesting clarification on behalf of Tim Graboski of Tim Graboski Roofing, Inc., that installs roofs on buildings subject to the Florida Building Code (2004, as amended 12/05 and 12/06).
3. The Petitioner seeks clarification of whether the Florida Building Code (FBC), Building Volume (2004, as amended 12/05 and 12/06) still allows the use of adhesive for fastening the first course of tile in lieu of a clip in the High Velocity Hurricane Zone.

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.

2. Section 102.4 of the FBC, Building Volume (2004 as amended 12/05 and 12/06) states:

Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

3. Section 1518.8.4.1 of the FBC, Building Volume (2004 as amended 12/05 and 12/06) states:

Roof tile systems, combining mechanically fastened tile and mortar and/or adhesive, shall be acceptable.

4. Roofing Application Standards (RAS) Section 118-3.08(A)(5) and RAS Section 119.3.09(B) state: "Storm Clips shall be required at the first course of tile."

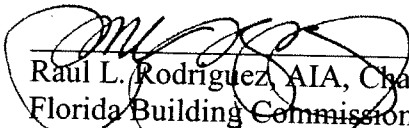
5. RAS are referenced standards within the meaning of Section 102.4, Florida Building Code, Building (2004 as amended 12/05 and 12/06). The provisions of section 1518.8.4.1, FBC, Building Volume (2004 as amended 12/05 and 12/06) would prevail over the requirements of both RAS Section 118-3.08(A)(5) and RAS Section 119-3.09(B).

6. Based on the above, the answer to the Petitioner's question is that adhesive is still an acceptable means for fastening the first course of tile, as long as it is part of an approved roofing system and meets the requirements of chapter 16 FBC, Building (2004 as amended 12/05 and 12/06) for wind resistance.

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.

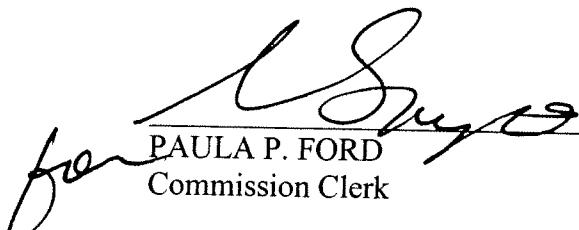
App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal no later than thirty (30) days after 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

Steve Munnell
Florida Roofing Sheet Metal & Air
Conditioning Contractors Association, Inc.
4111 Metric Drive
Winter Park, FL 32792

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