

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

HUNKER DOWN SYSTEMS.COM,

Case #: DCA07-DEC-050

Petitioner,

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Alfonso Oviedo-Reyes, on behalf of HUNKER DOWN SYSTEMS.COM, (Petitioner) which was received on March 16, 2007. 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 (F.A.C.).
2. Petitioner, Hunker Down Systems.com, designs and manufactures a roof decking anchoring system which may require Florida Product Approval pursuant to Chapter 9B-72, F.A.C.
3. The Petitioner designs, manufactures, and markets a system that can be used, in addition to nails or other anchoring required by the Code, to further anchor decks of roofs and other elements of homes and buildings.
4. Petitioner inquires whether product approval pursuant to Chapter 9B-72, F.A.C., is required for roof decking anchoring systems.

Conclusions of Law

1. The Florida Building Commission has the specific authority to enter declaratory statements interpreting the provisions of the Florida Building Code and Chapter 9B-72, F.A.C.

2. Product approval by the Commission, pursuant to Rule 72.005, F.A.C., is available for roofing products and systems, which comprise the building envelope and structural frame.

3. Rule 9B-72.010(31)(d), F.A.C., defines roofing products as:

built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, metal roofing, roofing tiles, waterproofing, roofing accessories that are an integral part of the roofing system and products introduced as a result of new technology.

4. Rule 9B-72.010(31)(g), F.A.C., defines structural components as:

truss plates, wood connectors, anchors, exterior coolers-freezers, insulation form systems, engineered lumber, pre-engineered air conditioner stands, structural wall components, and roof deck, and products introduced as a result of new technology.

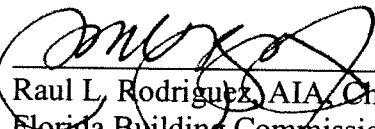
5. The Petitioner's product is not a roofing product or system, which comprises the building envelope and structural frame as specified in Rule 9B-72.010, F.A.C.

6. Based on the foregoing, the Petitioner's product is not within the scope of 9B-72.005, F.A.C. Therefore, product approval by the Commission is not required.

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 30 (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.

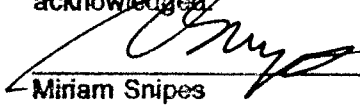
DONE AND ORDERED this 5th of July, 2007, in Coral Gables,
Miami-Dade County, State of Florida.



Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak 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 9th day of July, 2007.

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


Miriam Snipes
Deputy Agency Clerk
7/9/07
Date
Via U.S. Mail


PAULA P. FORD
Commission Clerk

Via Hand Delivery

Attn: Mr. Alfonso Oviedo-Reyes, President
Hunker Down Systems.com
8370 West Flagler Street
Suite 110
Miami, FL 33144

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100