

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

Siegfried W. Valentin,

Case #: DCA07-DEC-078

Petitioner,

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Siegfried W. Valentin, on behalf of American Architect Manufacturing Association (AAMA), (Petitioner) which was received on April 9, 2007, and revised on April 13, 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 section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code (F.A.C.).
2. Petitioner, AAMA, is an association for architectural manufacturers who manufacture products for use in construction projects that are subject to the Florida Building Code (FBC).
3. The Petitioner seeks clarification of the requirements for statewide product approval under Rule 9B-72 F.A.C. Specifically, the Petitioner asks whether there are any additional tests required for use of both Double Hung Window “Non-Impact” and Casement Window Rated “Impact” in the High Velocity Hurricane Zone (HVHZ) if product approval would be granted by the Commission for the products?

Conclusions of Law

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

2. The Commission is authorized to approve windows pursuant to Rule 9B-72.005, F.A.C.

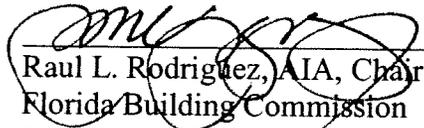
3. State product approval means the approval of a product or system of construction by the Commission if the product or system demonstrates compliance with the standards adopted in the Code. See. Rule 9B-72.010; Rule 9B-72.070.

4. If the product's use is consistent with its approval and complies with the standards in the code, within or outside of HVHZ, the products use should be permitted.

5. Based on the above, the answer to the Petitioner's question is, if the use of the product in question meets the requirements for the HVHZ then it is acceptable for use in the HVHZ.

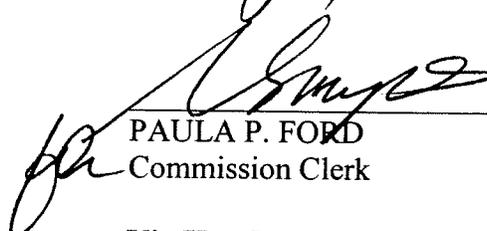
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford,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


PAULA P. FORD
Commission Clerk

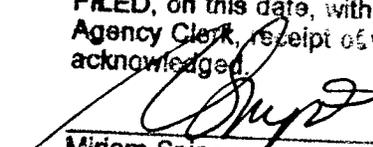
Via U.S. Mail

Attn: Siegfried W. Valentin
American Architectural
Manufacturers Association
11 Torguay Lane
Bluffton, South Carolina

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 Sripes
Deputy Agency Clerk

7/9/07
Date