

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.

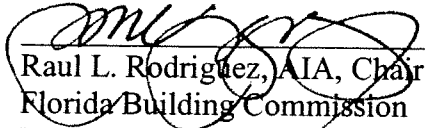
3. State product approval means the approval of a product or system of construction by the Commission if the product or system demonstrates compliance with the standards adopted in the Code. See. Rule 9B-72.010; Rule 9B-72.070.

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.

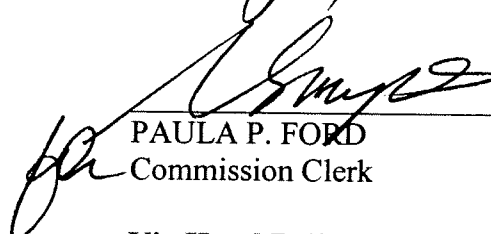
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 5<sup>th</sup> 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 9<sup>th</sup> 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