



**Madsen, Kneppers & Associates, Inc.**

Construction Consultants & Engineers

DCA05-DEC-283

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**FILING AND ACKNOWLEDGEMENT**

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

*[Signature]* 12/27/05  
Miriam Snipes Date  
Deputy Agency Clerk

December 27, 2005

Ms. Paula Ford, Clerk  
Florida Department of Community Affairs  
Florida Building Commission  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399

*via facsimile (561) 233-5141*  
*via Certified Mail 7000 1670 0008 6403 8316*

**Subject :** *Petition for Declaratory Statement before the Florida Building Commission"*

Dear Ms. Ford:

Please find the following information for your review with regard to issuance of a Declaratory Statement addressing the applicability of the twenty-five (25) percent rule for roof covering repair, with exception to the decking, on existing buildings in high velocity hurricane zones.

**FBC-2001, Chapter 34 – Existing Building, Section 3401.8.4 – Roofing, for high velocity hurricane zones, states "Not more than twenty-five (25) percent of the roof covering of any building or structure shall be replaced in any twelve (12) month period unless the entire roof covering is made to conform to the requirements of the code".**

On October 1, 2005, The FBC-2004 came in force replacing FBC-2001 and all its existing amendments/supplements.

**FBC-2004, Building, Chapter 1 – Administration, Section 101.2 – Scope, Exception 2 states, "Existing building undergoing repair alterations or additions and change of occupancy shall comply with Chapter 34 of this code."** Chapter 34 – Existing Structures, Section 3401.1 scope states "Alteration, repair, relocation and change of occupancy of existing structures and buildings shall comply with the provisions of the 2004 Florida Existing Building Code"

**FBC-2004, Residential, Chapter 1 – Administration, Section R101.2 – Scope, Exception states, "Existing buildings undergoing, repair, alteration or additions, and change of occupancy shall comply with the Florida Existing Building Code."**

**FBC-2004, Existing Building, Chapter 4 – Repairs, Section 401.2 – Permitted Materials states, "Except as otherwise required herein, work shall be done using materials permitted by the applicable"**

code for new construction or using like materials such that no hazard to life, health or property is created."

Errata to 2004 FBC, First printing, February 17, 2005 did not add, alter, modify or delete any provisions regarding roofing repair into Florida Existing Building Code.

2005 Supplements to FBC, November 21, 2005, did not add, alter, modify or delete any provision to the Florida Existing Building Code; however, Section 1521.4 was added to the FBC-Building Code and Section R4402.10.2 to Florida Residential Building Code, both applied to High Velocity hurricane zones, which states "Not more than twenty-five (25) percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any twelve (12) month period unless the entire existing roofing system or roof section is replaced to conform to requirements of this code."

Building officials in high velocity hurricane zone jurisdictions are mandating that any roof covering, exclusive of the decking, that are not structural elements, be entirely replaced if they need a repair beyond twenty-five (25) percent.

According to the above information, it is my understanding that roof covering repair, except roof decking that is a non-structural component, does not have any limitation to be repaired using like materials.

**Potential Effect:**

On October 24, 2005, Hurricane Wilma made landfall in South Florida in a high velocity hurricane zone as per FBC-2004, causing on some properties more than twenty-five (25) percent roof covering damages, excluding the decking. The effective date for Florida Building Code 2005 Supplement was November 21, 2005, almost one (1) month after Hurricane Wilma caused damage in South Florida.

It is common policy language of the insurance industry to repair damage as per the building code that is in force at the time that the damage occurred. Code upgrades would be covered only if it was mandated by the building code in force on the day of the damage.

The apparent oversight in coordination of various code references, including errata and supplements, creates confusion. It also potentially creates legal challenges for roofs replaced under the assumption of code requirements or roofs not replaced under the assumption of code language.

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*Ms. Paula Ford*  
*December 27, 2005*  
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Please issue a declaratory statement regarding the applicability of the twenty-five (25) percent rule for roof covering repair, with exception to the decking, on existing buildings in high velocity hurricane zones.

Sincerely,

*Madsen, Kneppers & Associates, Inc.*

A handwritten signature in cursive script, appearing to read 'J. Medeiros', is written over the printed name of the sender.

Joaquim S. Medeiros, P.E.

Project Consultant

copy: Mo Madani of FBC (via email: [mo.madani@dca.state.fl.us](mailto:mo.madani@dca.state.fl.us))  
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