

March 7, 2014

Via Email:

Mr. Mo Madani
Office of Codes and Standards
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

DS 2014-023

**Re: Petition for Declaratory Statement Before the Florida Building Commission
Florida Building Commission's Jurisdiction - Additional Information Requested
For: Keddo Enterprises, LLC dba Storm Stoppers® The Plywood Alternative®**

Dear Mr. Madani:

Thank you for calling me and taking my return call on March 3, 2014. Pursuant to your request, below please find additional information for the Storm Stoppers® The Plywood Alternative® Product.

Detailed Description of Storm Stoppers® The Plywood Alternative® Product:

Storm Stoppers is a lightweight alternative to heavy plywood to protect windows and doors from winds and rain. Storm Stoppers can be temporarily installed on existing homes by homeowners looking for an easier-to-use alternative to plywood for a temporary or an emergency basis to board up windows in advance of an approaching storm or hurricane. Storm Stoppers are made of a 3/8" thick, translucent corrugated plastic panel that installs without penetrating anchors, screws or bolts and comes in 65 x 108" or 76 x 85" panel sizes. These panel sizes are an average of 40% larger than a sheet of 48 x 96" plywood you buy from a home improvement store. These larger panel sizes allow a homeowner to protect large windows (i.e. a 52 x 62" window) and also give the customer an opportunity to protect more windows per panel at a lower overall price, due to the increased yield. The Storm Stoppers product can be easily cut to the shape of any window with a carpet knife, as no dangerous power saw tools are needed.

Like the applications of plywood for window and door protection shown on **Federal Alliance for Safe Homes** (www.flash.org), **Institute for Business and Home Safety** (www.ibhs.org) **Federal Emergency Management Association** (www.fema.com) and the **International Hurricane Protection Association** (www.inthpa.com) websites, Storm Stoppers can be used instead of plywood as a "Temporary Emergency Panel," as a "Last Minute Alternative" and as a "Last Resort" for homeowners who cannot install or lift heavy plywood, who do not own or want to operate dangerous power saws, who do not want to put holes into the structure of their homes (which could invite water intrusion during a storm), or cannot afford expensive hurricane window protection products.

Storm Stoppers can be quickly installed as a Do-It-Yourself project by a homeowner over window openings, prior to a Tropical Hurricane, East Coast Nor' Easter, Northwest Pacific Basin Typhoon, or Australian Cyclone. Storm Stoppers attach with matable adhesive-backed plastic 3M Dual Lock Fasteners, which work similarly to hook and loop Velcro in that they easily mate and detach. 3M Dual Lock Fasteners adhere through their built-in adhesive to metal or vinyl window frames, and would never be confused with penetrating fasteners or anchors such as screws or bolts. A Technical Data Sheet on 3M Dual Lock reclosable fasteners states: "Dual Lock Reclosable Fasteners can replace conventional fasteners such as screws, clips, rivets, snaps and bolts in many applications." The 3M Dual Lock Fastening System gives the homeowner the easy use of the Storm Stoppers product, as well as fast and safe egress/exit from every opening, in the event of an emergency. Storm Stoppers is not a product to be used in the construction of a home or building in Florida. Storm Stoppers has never been marketed or sold in Florida as being an appropriate material for construction purposes. If you do not already have a sample of the Original 3/8" Translucent Storm Stoppers® product, please let us know.

For many years, Storm Stoppers has been Building Code Approved by certain building officials within several hurricane-affected coastal states, including South Carolina, Georgia, Hawaii & Louisiana. These Building Code Officials have said that they like the facts that Storm Stoppers put no holes in the home's siding, install quickly, let in lots of light & can be easily removed from the inside in an emergency. Please see <http://www.plywoodalternative.com/important-information/building-code-approvals/> to read one of the many Building Code Approvals in the State of Louisiana for Storm Stoppers. This is from C. Curtis Mann, the former Chief Building Official (CBO) in New Orleans.

Storm Stoppers customers have shared alternative uses for our product. Some of these photos are available on <http://www.plywoodalternative.com/product-information/other-uses/>. These include:

1. A temporary cover for a broken window;
2. Protecting windows against golf ball damage;
3. Protecting windows against hail damage;
4. Helping to save energy and lower their utility bills, such as in the summer to keep heat out and in the winter to keep it in;
5. To protect from Nor'easter winds, rain and weather damage on the windows and doors of winter homes;
6. To block sunlight from fading household possessions;
7. As temporary walls and barricades in shopping malls.
8. As a heavy-duty presentation exhibit backboard.
9. As cubicle dividers in an office;
10. To cover a window for privacy purposes.
11. As translucent light covers in the ceilings of elevators.

Additional information about the Storm Stoppers product can be found at <http://www.plywoodalternative.com>.

Storm Stoppers is not permanently attached to a home's structure, does not attach with penetrating anchors, does not comprise any of the home's envelope and structural frame, and is not installed as part of any new addition or alternation to an existing home or building. Storm Stoppers is not a product or material to be used in the construction of a home or building in Florida.

The Storm Stoppers product is temporary and is not used for the construction, or made part, of the permanent structure. The product is clearly not a structural component as it does not comprise the main wind force resisting system for any building or structure. *See* Rule 61G20-3.002 (31). The product is not a shutter as Section 1609.1.2, Subsection 4.c. of the 2010 Florida Building Code, Building requires shutters or structural panels to be attached with permanent anchors which penetrate at least 2 inches into the structure's framing. Shutters are also required to pass the Cyclic Pressure Differential Test, which requires products be bolted on to pass. Thus, Storm Stoppers could never be confused with a bolt-on product.

The Storm Stoppers product clearly falls outside of the scope of Rule 61G20-3.001 as it is not a panel wall, exterior door, roofing product, skylight, window, shutter or structural component which comprises the building's envelope and structural frame. The Storm Stoppers product does not permanently attach to the structure, so it does not comprise the building envelope and structural frame (as it is not bolted into the structure). Rule 61G20-3.001(2) states, "[t]his rule applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code."

If the "*provisions of the Florida Building Code, Existing Building shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings,*" then the Storm Stoppers product is not required to comply with any provision of this Code since the product is not intended to be used or sold for the purpose of a building's repair, alteration, change of occupancy, addition or relocation of any existing building.

Storm Stoppers clearly is not a product that is used in "the act or process of building" and cannot be a construction component of any structure or building in Florida. Accordingly, Storm Stoppers is, by definition, not a "product of construction" or construction product. Thus, it is not required to be approved by the Florida Building Commission, unless the Commission has received a statutory grant of power to regulate non-construction, after-occupancy products used on completed structures, and it clearly has not.

As noted above, Storm Stoppers, by its very nature, could never be used in construction as part of a building's envelope and structural frame for new homes and other new buildings in the State of Florida.

We understand that plywood (a.k.a. "wood structural panels") is an alternative product that can be used to protect glazed openings according to the Florida Building Code. Based on our understanding of plywood within the Florida Building Code, I assume that plywood does not need to comply with Florida Statutes Section 553.842(5).

Surprisingly, there are many Florida Building Commission-sanctioned groups that advertise plywood either as a “Shutter,” or for the use of “Hurricane Protection,” or for “Windborne Debris Protection.” These include:

1. **International Hurricane Protection Association (IHPA)**---On their www.inthpa.com website, they say that plywood is “illegal” and “doesn’t meet the Florida Building Code.” And yet, despite this acknowledgement, the IHPA then encourages website visitors to board up with plywood but “only as a last resort.”
2. **Federal Alliance for Safe Homes (FLASH)** On their http://www.flash.org/peril_inside.php?id=108 website, FLASH recommends building your own temporary emergency panels out of plywood. The heading is “Emergency Board Up Instructions---Plywood Shutters.”

Additionally, major hardware stores advertise or sell plywood in Florida as a shutter, hurricane protection or as protection from wind-borne debris both long before and as a hurricane is approaching. The huge home improvement chain Lowe’s has a YouTube video showing how to board up windows with plywood. See it here:

<http://www.youtube.com/watch?v=0jCUrYY3IEk&feature=share&list=PLA3F904701785FEB8>

Adding to the confusion is the Florida Building Commission’s own website, www.floridabuilding.org. The Florida Building Code includes the below table from the Florida Building Commission which suggests using wood structural panels (a.k.a. plywood) for “wind-borne debris protection.”

TABLE 1609.1.2 WIND-BORNE DEBRIS PROTECTION FASTENING SCHEDULE FOR WOOD STRUCTURAL PANELS

| FASTENER TYPE | FASTENER SPACING (inches) ^{1,2} | | | |
|--|--|------------------------------|------------------------------|------------------------------|
| | Panel Span ≤ 2 ft | 2 foot < panel Span ≤ 4 feet | 4 feet < Panel Span ≤ 6 feet | 6 feet < Panel Span ≤ 8 feet |
| #8 Wood screw-based anchor with 2-inch embedment length ³ | 16 | 16 | 10 | 8 |
| #10 Wood screw-based anchor with 2-inch embedment length ³ | 16 | 16 | 12 | 9 |
| ¹ / ₄ Lag screw-based anchor with 2-inch embedment length ³ | 16 | 16 | 16 | 16 |

Now, if Florida Statute Section 553.842(5) is to be taken literally, then why is plywood allowed to be sold in the State of Florida without any Product Approval Number, nor proven compliance with the required standards of passing the ASTM Large Missile Impact Test & the Cyclic Pressure Differential Tests? There is a May 18, 2009 news video done by WINK News out of Ft. Myers, Florida showing the Large Missile 2 x 4’ easily penetrating plywood. Obviously plywood cannot be considered as a shutter or impact protective device since it doesn’t meet the required Florida product approval standards.

I am not aware of an exception by the Florida Legislature for plywood from Section 553.842(5) as that specific statute does not mention any exception for plywood or wood structural panels.

If the Florida Building Commission intends to claim that plywood is exempt from Section 553.842(5), then Storm Stoppers should also get that same exempt treatment from the Florida Building Commission, since the Storm Stoppers product is substantially similar, and better, than the plywood advertised by the Florida Building Code's exception. Storm Stoppers own brand name is The Plywood Alternative® and the company has received several Registered Federal Trademarks from the U.S. Patent & Trademark Office (USPTO) recognizing that they are the exclusive holders of The Plywood Alternative name brand designation. There are no known other plywood alternatives marketed for window and door protection in existence.

Are Florida Building Commission recognized groups like the IHPA, FLASH, FEMA and the IBHS possibly violating Section 553.842(5) in their continued marketing of plywood for "*Windborne Debris Protection*," as a "*Shutter*" and for "*Hurricane Protection*" in Florida? Isn't the Florida Building Commission similarly violating Section 553.842(5) in their promotion of Table 1609.1.2 on the preceding page calling plywood "*Wind-Borne Debris Protection*"? Does this mean that no one, not even Lowe's or Home Depot, can advertise, sell, offer, market or distribute plywood for wind-borne debris or hurricane protection, since it is actually sold for that purpose both long before and during an approaching hurricane in Florida?

Obviously, the above questions are intended to be rhetorical, to point out the fact that Storm Stoppers should be given the same exempt treatment as plywood as an alternative product to use in an emergency, if the Florida Building Commission believes that the Storm Stoppers product requires any compliance with any statute, building code or commission rule. In summary, we do not believe the Storm Stoppers product needs any local or state product approval under Florida law, as the Storm Stoppers product:

- Is not a construction product;
- Is not attached with penetrating anchors such as screws or bolts;
- Is not attached to Existing Buildings that are under construction, in whole or in part
- Is not advertised, marketed or sold as "hurricane, windstorm or impact protection from wind-borne debris during a hurricane or windstorm";
- Is clearly advertised, marketed or sold to Florida homeowners that it is NOT Florida Building Code approved. This is on the company's invoice, warranty and the company's website.
- Cannot be considered a shutter or impact protective device, since Storm Stoppers clearly do not pass all the standards required, such as the Cyclic Pressure Differential Test, nor is the 3M Dual Lock adhesive mounting system considered a "penetrating anchor" that penetrates into the structure;
- Is not within the list of products that can be regulated by the Florida Building Commission or the Florida Building Codes.

I hope the above gives you a better description of the Storm Stoppers product to help enable you to answer the Petition for Declaratory Statements I requested by letter dated February 19, 2014.

To recap and identify the questions being asked in the Petition dated February 19, 2014, below is additional information for your consideration and declaration:

Interpretation No. 1:

A. Does the Storm Stoppers product as-described fall within the scope of the Florida Building Code, Existing Building? Answer: NO. Since the product is not to be used or sold for the purpose of a building's repair, alteration, change of occupancy, addition or relocation of any existing building, Storm Stoppers is not required to comply with any provision of this Existing Building Code.

B. If the answer is yes, then what are the specific Code provisions from the 2010 Florida Building Code, Existing Building, that apply?

Interpretation No. 2:

A. What are the specific statutes, Code provisions and laws that give the Florida Building Commission jurisdiction or legal authority to regulate or approve any product for use on an Existing Building AFTER the building has been constructed and received a certificate of occupancy, when such product is not used or incorporated into the permanent structure, nor attached with permanent anchors that penetrate into the structure of the building's frame? Answer: NONE. There is not one provision in Chapter 553 or the *Florida Building Codes* which require that non-construction products be approved by the Florida Building Commission before they can be lawfully marketed and sold in this state for the purpose of being temporarily attached on an emergency basis to an Existing Building, especially where the method of that attachment does not, in any way whatsoever, negatively affect or comprise of the structural integrity of the building's existing envelope and structural frame.

B. Are wood structural panels (i.e. plywood) as-described in the Florida Building Code, Residential, exempt from having to comply with Florida Statutes Section 553.842(5)? Answer: NO. There is no exception within this Florida Statute or any other law that plywood is exempt from having to comply with Section 553.842(5). That specific statutory section does not mention any exception for plywood or wood structural panels.

C. If, in the opinion of the Florida Building Commission, wood structural panels (i.e. plywood) are exempt from Florida Statutes Section 553.842(5), then would Storm Stoppers be entitled to receive the same exempt treatment as wood structural panels assuming the Storm Stopper product is equal to if not better than wood structural panels, for the temporary or emergency protection of window or doors from wind and rain? Answer: YES. If the Florida Building Commission intends to claim that plywood is exempt from Section 553.842(5), then Storm Stoppers is legally entitled to and must get that same exempt treatment from the Florida Building Commission, since the Storm Stoppers product is equal to if not better than the plywood advertised by the Florida Building Code's Section 1609.1.2, Residential.

D. What is the Florida product approval number for wood structural panels (i.e. plywood) showing that product was approved by the Florida Building Commission? Answer: NONE. We

are unaware of plywood passing the ASTM Large Missile Impact Test and the Cyclic Pressure Differential Tests. If plywood has not passed these tests, then there should be no known Florida product approval number issued by the Florida Building Commission for the use of this product as protection from wind-borne debris.

E. Since the Storm Stoppers product is equal to if not better than wood structural panels identified in Section 1609.1.2 of the Florida Building Code, Residential, is Storm Stoppers entitled to receive the same treatment as wood structural panels and not apply for a product approval number? Answer: YES. Since plywood is not required by the Florida Building Commission to pass the ASTM Large Missile Impact Test and the Cyclic Pressure Differential Tests, then Storm Stoppers is legally entitled to this same treatment as the Storm Stoppers product is equal to if not better than the wood structural panels advertised by Section 1609.1.2 of the Florida Building Code, Residential.

F. Is Keddo Enterprises and Florida Building Commission recognized groups like the IHPA, FLASH, FEMA and the IBHS permitted to advertise or market wood structural panels (i.e. plywood) for "*Wind-borne Debris Protection*," as a "*Shutter*" and for "*Hurricane Protection*" in Florida (even though plywood does not have a Florida product approval number)?

G. Is the Florida Building Commission violating Section 553.842(5) in their promotion of Table 1609.1.2 in the Florida Building Code, Residential, by advertising wood structural panels (i.e. plywood) as "*Wind-Borne Debris Protection*" (at a time when plywood does not have a Florida product approval number and has not been shown to pass the ASTM Large Missile Impact Test and the Cyclic Pressure Differential Tests)?

H. Can Keddo Enterprises, including home improvement stores, advertise, sell, offer, market or distribute plywood for wind-borne debris protection or hurricane protection, since plywood is actually sold by home improvement stores throughout Florida for that purpose both long before and during an approaching hurricane?

I. Additionally, major home improvement stores advertise or sell plywood in Florida as a shutter, hurricane protection or as protection from wind-borne debris both long before and as a hurricane is approaching. For example, the home improvement chain Lowe's has a YouTube video showing how to board up windows with plywood (which consumers can purchase from Lowe's). See video here:
<http://www.youtube.com/watch?v=0jCUrYY31Ek&feature=share&list=PLA3F904701785FEB8>
Can Keddo Enterprises create a similar video advertising or marketing plywood as a "shutter," "hurricane protection" or as "protection from wind-borne debris", without violating Florida Statutes Section 553.842(5)?

Interpretation No. 3:

Does the Storm Stoppers product fall outside the scope of Rule 61G20-3.001, State Product Approval Program? Answer: YES. Storm Stoppers does not permanently attach to the structure, and does not comprise the building envelope and structural frame. Rule 61G20-3.001(2) states, "[t]his rule applies to approval of products and systems, which comprise the building envelope

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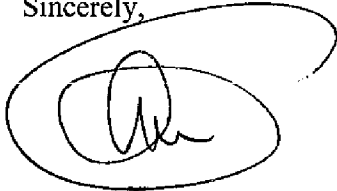
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and structural frame, for compliance with the structural requirements of the Florida Building Code."

Thank you for your time and consideration. A copy of the Petition for Declaratory Statement dated February 19, 2014 is also attached to this email for your ease of reference. We look forward to your timely response. If you need additional information or would like a product sample, please feel free to contact the undersigned.

Sincerely,



Glenn T. Williams, Esq., B.C.S.

Board Certified in Construction Law



Attachment: Petition for Declaratory Statement dated February 19, 2014

February 19, 2014

Via UPS (Tracking # 1Z R93 828 A8 9501 1819)

Mr. Mo Madani
Office of Codes and Standards
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399

Re: **Florida Building Commission's Jurisdiction**

Dear Mr. Madani:

Petition for Declaratory Statement Before the Florida Building Commission

1. The name, address, telephone number and any facsimile number of petitioner.

Keddo Enterprises, LLC dba Storm Stoppers® The Plywood Alternative®
524 West Winter Park Street
Orlando, Florida 32804
Phone: (407) 423-5959
Facsimile: (407) 423-1107
Web Address: www.plywoodalternative.com

2. The name, address, telephone number and any facsimile number of the petitioner's attorney or qualified representative (if any).

Glenn Williams, Esquire
Williams Law Firm
2273 Lee Road, Suite 200
Winter Park, Florida 32789
Phone: (407) 926-4100
Facsimile: (407) 926-4105 Attn: Glenn Williams
glenn@WCLFirm.com

3. The statutory provision, Florida Building Code (the Code) provision, commission rule or order on which you are seeking an interpretation.

Interpretation No. 1: An "Existing Building" is a "building or structure or portion of a building or structure which has been previously legally occupied or used for its intended purpose." 2010 Florida Building Code, Existing Building, Section 202.

2010 Florida Building Code: Existing Building applies to the Florida Building Commission's jurisdiction with respect to an Existing Building. Section 101.2 states that the "provisions of the Florida Building Code, Existing Building shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings." Section 202 makes the following relevant definitions:

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than a repair or addition.

CHANGE OF OCCUPANCY. A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code.

REPAIR. The patching, restoration and/or minor replacement of materials, elements, components, equipment and/or fixtures for the purpose of maintaining such materials, elements, components, equipment and/or fixtures in good or sound condition.

Interpretation No. 2: Unknown - We have been unable to locate a statute, code, provision, order, or rule that addresses this topic.

Interpretation No. 3: Rule 61G20-3.001 gives a list of the categories of products that need approval by the Commission for use in the State of Florida. Rule 61G20-3.001(2) states, "[t]his rule applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code."

4. Describe how the statute, rule or order may potentially affect you in your particular set of circumstances.

General Background:

Storm Stoppers is a light weight alternative to heavy plywood, that is temporarily installed on Existing Buildings. The product is not permanently attached to a structure, does not attach with penetrating anchors, does not comprise any of the building's envelope and structural frame, and is not installed as part of any new addition or alternation to an existing building. Storm Stoppers is not a product or material to be used in the construction of a permanent structure. Storm Stoppers is a temporary translucent plastic panel which can be easily and quickly installed by a homeowner over window openings. It is not designed to become a permanent part of a building's structure or envelope and has never been marketed or sold in Florida as being an appropriate material for construction purposes. More information about the Storm Stoppers product can be found at <http://www.plywoodalternative.com>.

Interpretation No. 1:

If the "provisions of the Florida Building Code, Existing Building shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings," then the Storm Stoppers product is not required to comply with any provision of this Code since the product is not intended to be used or sold for the purpose of a building's repair, alteration, change of occupancy, addition or relocation of any existing building.

Please interpret the provisions of the Florida Building Code, Existing Building and please issue a declaratory statement confirming that the Storm Stoppers product does not come within, or otherwise needs to comply with, any provisions of the 2010 Florida Building Code, Existing Building, since the product is not used or sold for the purpose of a building's repair, alteration, change of occupancy, addition or relocation of any existing building.

Interpretation No. 2:

We have been unable to identify any statute, Code or law that would give the Florida Building Commission any jurisdiction or legal authority to regulate or approve any product for use AFTER a building has been constructed and received a certificate of occupancy. The current Florida Building Codes (all versions) only apply to the construction of the building or structure or the construction of alterations or repairs to an existing building or structure.

Storm Stoppers clearly is not a product that is used in "the act or process of building" and cannot be a component of any structure or building. Accordingly, Storm Stoppers is, by definition, not a "product of construction" or construction product. Thus, it is not required to be approved by the Florida Building Commission unless the Commission has received a statutory grant of power to regulate non-construction products, and it clearly has not.

Chapter 553 of Florida Statutes is entitled "Building Construction Standards." According to Section 553.72(1), "[t]he purpose and intent of this act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called Florida Building Code, which consists of a single set of documents that apply to the **design, construction, erection, alteration, modification, repair, or demolition** of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer." (emphasis added).

Section 553.77(1)(f) empowers the Florida Building Commission to "[d]etermine the types of products which may be approved by the commission for statewide use and shall provide for the evaluation and approval of **such products, materials, devices, and method of construction** for statewide use. The commission may prescribe by rule a schedule of reasonable fees to provide for evaluation and approval of **products, materials, devices, and methods of construction.**" (emphasis added).

In defining the scope of the product approval program. Rule 61G20-3.001(2), F.A.C., provides that "[t]his rule applies to approval of products and systems, **which comprise the building envelope and structural frame**, for compliance with the structural requirements of the *Florida Building Code*." (Emphasis added).

Finally, even the first sentence of the subsection in question, 553.842(5), reaffirms the fact that the products which are the subject of that subsection are "**products, methods, and systems of construction.**" (emphasis added).

Given all of the foregoing provisions, it is clear that the Florida Building Commission has only been empowered to approve products that pertain to the construction of a structure or building; and, by rule, it has limited its exercise of that power to the approval of construction products which "comprise the building envelope and structural frame, for compliance with the structural requirements of the *Florida Building Code*." As noted above, Storm Stoppers, by its very nature, could never be used in construction as part of a building's envelope and structural frame.

In short, there is not one provision in Chapter 553 or the *Florida Building Codes* which require that non-construction products be approved by the Florida Building Commission before they can be lawfully marketed and sold in this state for the purpose of being temporarily attached to an Existing Building, especially where the method of that attachment does not, in any way whatsoever, negatively affect or comprise the structural integrity of the building's existing envelope and structural frame.

Please declare that there is no Florida Building Code preventing Storm Stoppers from being sold in Florida. Otherwise, specifically identify all statutes, Code provisions and laws that give the Florida Building Commission jurisdiction or legal authority to regulate or approve any product for use on an Existing Building AFTER the building has been constructed and received a certificate of occupancy, when such product is not used or incorporated into the permanent structure, nor attached with permanent anchors that penetrate into the structure of the building's frame.

Interpretation No. 3:

The Storm Stoppers product is temporary and is not used for the construction, or made part, of the permanent structure. The product is clearly not a structural component as it does not comprise the main wind force resisting system for any building or structure. See Rule 61G20-3.002 (31). The product is not a shutter as Section 1609.1.2, Subsection 4.c. of the 2010 Florida Building Code, Building requires shutters or structural panels to be attached with permanent anchors which penetrate at least 2 inches into the structure's framing.

The Storm Stoppers product clearly falls outside of the scope of Rule 61G20-3.001 as it is not a panel wall, exterior door, roofing product, skylight, window, shutter or structural component which comprises the building's envelope and structural frame. The Storm Stoppers product does not permanently attach to the structure, so it does not comprise the building envelope and structural frame (as it is not bolted into the structure). Rule 61G20-3.001(2) states, "[t]his rule

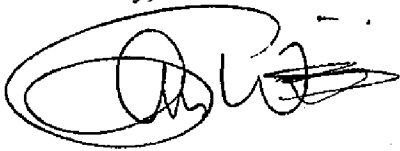
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applies to approval of products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code."

Please issue a declaration that the Storm Stoppers product falls outside the Scope of Rule 61G20-3.001, State Product Approval Program.

Thank you for your time and consideration of this request. We look forward to your timely response. If you need additional information, please feel free to contact the undersigned.

Sincerely,



Glenn T. Williams, Esq., B.C.S.
Board Certified in Construction Law

