

**PETITION FOR DECLARATORY STATEMENT
BEFORE
THE FLORIDA BUILDING COMMISSION**

Company: CeBB Engineering & Testing Co
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DS 2020-022

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Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which Declaratory Statement is sought

2017 Florida Building Code – Existing Building
Portions of Chapters 2, 5, and 7
2017 Florida Building Code – Building
Portions of Chapter 15

Background:

CeBB Engineering & Testing Co. is a Consulting Engineering Firm registered in the State of Florida since July 14th, 2003 involved with construction consulting and oftentimes with the applicability of the Florida Building Code in situation of origin, causation and extent of damages caused by but not limited to major natural catastrophe, such as Hurricanes.

CeBB Engineering & Testing Co. is seeking clarification on certain Sections of the 2017 Florida Building Code – Existing Building and Sections of the 2017 Florida Building Code – Building to seek a uniform interpretation so that the work needed to be performed is uniformly interpreted and implemented by the local Department Having Jurisdiction.

Petitioner seeks these clarifications in behalf of Florida consumers, who have encountered property damage losses post hurricanes.

Specifically, there are several definitions, scopes and applications set forth in Chapters 2, 5, and 7 of the 2017 Florida Building Code – Existing Building and Chapter 15 of the 2017 Florida Building Code –Building that require clarification and are more specifically outlined below:

FLORIDA BUILDING CODE – EXISTING BUILDING

CHAPTER 2 – CLASSIFICATION OF WORK

SECTION 202 – GENERAL DEFINITIONS:

[A] REPAIR. The reconstruction or renewal of any part of an *existing building* for the purpose of its maintenance or to correct damage.

[BS] REROOFING. The process of recovering or replacing an existing roof covering. See “Roof recover” and “Roof replacement.” (emphasis added)

[BS] ROOF REPAIR. Reconstruction or renewal of any part of an existing roof for the purposes of its maintenance. (emphasis added)

[BS] ROOF REPLACEMENT. The process of removing the existing roof covering, repairing any damaged substrate and installing a new roof covering. (emphasis added)

CHAPTER 5 – CLASSIFICATION OF WORK

SECTION 502 – REPAIRS:

502.1 Scope. *Repairs*, as defined in Chapter 2, include the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements. (emphasis added)

502.3 Related Work. Work on undamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the provisions of Chapter 7, 8, 9, 10 and 11. (emphasis added)

CHAPTER 6 – REPAIRS

SECTION 601 – GENERAL:

601.2 Conformance. The work shall not make the building less conforming than it was before the *repair* was undertaken.

SECTION 606 – STRUCTURAL:

[BS] 606.1 General. Structural repairs shall be in compliance with this section and Section 601.2. Regardless of the extent of structural or nonstructural damage, *dangerous* conditions shall be eliminated. Regardless of the scope of repair, new structural members and connections used for repair or rehabilitation shall comply with the detailing provisions of the Florida Building Code, Building for new buildings of similar structure, purpose and location. (emphasis added)

[BS] 606.2 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section and Section 706, Reroofing. (emphasis added)

CHAPTER 7 – ALTERATIONS-LEVEL 1

SECTION 706 – EXISTING ROOFING:

[BS] 706.1 General. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the Florida Building Code, Building, or Chapter 9 of the Florida Building Code, Residential. Roof repairs to existing roofs and roof coverings shall comply with the provisions of this code. (emphasis added)

706.1.1. Not more than 25 percent of the total area or roof section of any building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of this code. (emphasis added)

FLORIDA BUILDING CODE – BUILDING

CHAPTER 15 – ROOFING

SECTION 1502 – DEFINITIONS

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, *vapor retarder*, substrate or thermal barrier, insulation and roof covering. (emphasis added)

ROOF COVERING. The covering applied to the roof deck for weather resistance, fire classification or appearance.

SECTION 1511 – EXISTING ROOFING

1511.1.1. Not more than 25 percent of the total area or roof section of any building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of this code. (emphasis added)

SECTION 1521 – REROOFING. Repairs shall be carried out with roofing components as defined in this Chapter having a Product Approval. (emphasis added)

PROJECT INFO:

More specifically Petitioner had inspected this residential complex, two-story multi-family residences, within the Tri-County Area in South-East Florida for roof damages to the existing roof coverings, consisting of double-roll mechanically fastened concrete roof tiles that exhibit wind damages post hurricane Irma.

The building in question is Building # 10, six (6) residential two-story units, that has with six (6) roof sections, outlined as follows:

- Section A, B, F, G, H totaling 1,452 square feet;
- Section C, D, E totaling 779 square feet;
- Section I totaling 91 square feet;
- Section J totaling 90 square feet;
- Section K totaling 103 square feet;
- Section L totaling 90 square feet;

The current roof damages on Building # 10 per each roof section is as follows:

- Section A, B, F, G, H totaling 114 square feet or 8%;
- Section C, D, E totaling 47 square feet or 7%;
- Section I totaling 3 square feet or 3.5%;
- Section J totaling 4 square feet or 5%;
- Section K totaling 5 square feet or 5%;
- Section L totaling 4 square feet or 5%;

However, the area of undamaged roof that is necessary to be detached and reset for the required repair of damaged components, per each roof section would now be as follows:

- Section A, B, F, G, H totaling 902 square feet or an additional of 63%;
- Section C, D, E totaling 498 square feet or an additional of 63%;
- Section I totaling 24 square feet or an additional of 27%;
- Section J totaling 14 square feet or an additional of 15%;
- Section K totaling 15.6 square feet or an additional of 15%;
- Section L totaling 32 square feet or an additional of 35%;

which will now exceed the 25% of the roof section on the following sections as follows:

- Section A, B, F, G, H to a total of 70%;
- Section C, D, E to a total of 70%;
- Section I to a total of 30%;
- Section L to a total of 40%;

It shall be noted that the very same section, Section 502 – Repairs: 502.3 Related Work, does not allow now that the repair area to be part of the 25% Rule, as outlined by Section 706, Paragraph 706.1.1.

QUESTION 1:

Do the existing roofing component(s) needed to be detached & reset (502.3) and WITHOUT having a current valid Product Approval (1521) need to be subjected to the requirements of the 25% rule (as set forth in 706.1.1. and 1511.1.1)?

Summary:

Petitioner respectfully believes that the answer to the question outlined above is **“YES”**.

If the answer is **“No”** then a repair to an existing roof based on the interpretation of the Section 502 – Repairs: 502.3 Related Work is a clear conflict with the definition of the roof assembly (1502) when it comes to performance requirements (502.1), weather protection and resistance to design loads (1502).

QUESTION 2:

Can a roof concrete tile found in a boneyard/scrapyard WITHOUT having a current valid State of Florida Product Approval or a Miami-Dade County Product Approval (1521) be used for the repairs?

Summary:

Petitioner respectfully believes that the answer to the question outlined above is **“No”**.

If the answer is **“Yes”** then said repair is a clear violation of Section 1521 of the 2017 Florida Building Code.

Petitioner understands and appreciates the work done by the Florida Building Commission in improving and evolving the Florida Building Code for the benefit of the Florida Consumer and their safety, and it is only logical that said Building Code is uniformly interpreted in accordance with Section 553.775(1) of the Florida Statutes.

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