

10/23/08

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

SYSTEM COMPONENTS CORPORATION,

Case #: DCA08-DEC-124

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Chris Shepherd of System Component Corporation, which was received on April 30, 2008, and subsequently amended on May 21, 2008. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner manufacturers roofing underlayment materials for use in construction projects in the State of Florida subject to the Florida Building Code and Rule 9B-3.0475, Florida Administrative Code.
3. The Petitioner anticipates use of its projects within and outside of the High Velocity Hurricane Zone in conjunction with existing, site-built, single family residential structures. The Petitioner has obtained a Notice of Acceptance from Miami-Dade County and state approval from the Commission pursuant to Rule 9B-72 for certain products.

4. The Petitioner inquires whether underlayments referenced in Section 201.2, item (c) of Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, adopted by reference in Rule 9B-3.0475, Florida Administrative Code, are to reviewed for conformity with standards adopted by Section 1518.4, Florida Building Code, Building Volume (2004 as amended 07/06) and Section R4402.7.4, Florida Building Code, Residential Volume (2004 as amended 07/06)?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-3.0475, Florida Administrative Code, and the Florida Building Code by entering a declaratory statement.

2. Section 201.2, Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, provides, in pertinent part:

c) The entire roof deck shall be covered with an approved asphalt impregnated 30# felt underlayment installed with nails and tin-tabs as required for the HVHZ. (No additional underlayment shall be required over the top of this sheet).

d) Outside of the HVHZ, an underlayment complying with section 1507.2.3 of the Florida Building Code, Building fastened as described below or a layer of asphalt impregnated approved #30 felt shall be installed. The felt is to be fastened with 1" round plastic cap or metal cap nails, attached to a nailable deck in a grid pattern of 12 inches (305 mm) staggered between the overlaps, with 6-inch (152 mm) spacing at the overlaps. For slopes of 2:12 to 4:12 an additional layer of felt shall be installed in a shingle-fashion and lapped 19" and fastened as described above. (No additional underlayment shall be required over the top of this sheet).

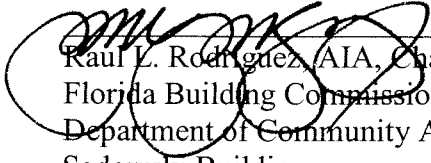
3. Petitioner's question expressly relates to the asphalt impregnated #30 felt referred to in subparagraph c), although, by reference to installation outside of the HVHZ, the Petition implicates the second alternative of subparagraph d) as well.

4. Chapter 15, Florida Building Code, Building Volume (2004 as amended 07/06) and Chapters 9 and 44, Florida Building Code, Residential Volume (2004 as amended 07/06), establish the appropriate standard applicable to roofing underlayments as ASTM D226.

5. In accordance with the forgoing, underlayment referenced in Section 201.2(c), Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, shall comply with ASTM D 226, Type I or II, or its equivalent.

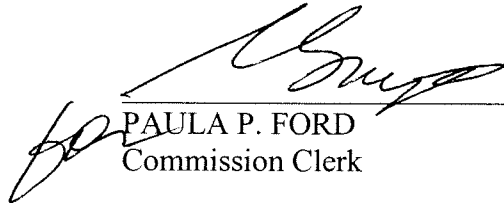
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty 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 21 of October, 2008, 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 Blvd.
Tallahassee, FL 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 23 day of Oct, 2008.


PAULA P. FORD
Commission Clerk

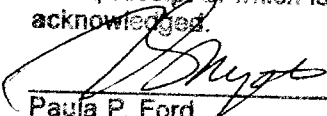
Via U.S. Mail

Chris Shepherd
System Components Corporation
Post Office Box 2432
Issaquah, Washington 98027

Via Hand Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

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


Paula P. Ford
Commission Clerk

10/23/08
Date