

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CONSTRUCTION SPECIALTIES, INC.,

Case #: DCA08-DEC-236

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from W. Vincent of Construction Specialties, Inc., which was received on August 11, 2008. 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, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner manufactures louvers which comprise an element of the building envelope for use in buildings constructed in accordance with the Florida Building Code.
3. The Petitioner has been contacted about a specific use of its product in a project, which within the wind borne debris region of the State of Florida but not within the high velocity hurricane zone.
4. The Petitioner inquires whether impact resistance requirements apply to louvers without ducts attached or louvers above thirty feet; and whether louvers are subject to cyclic loading tests after the impact resistance test?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.

2. Section 1609.1.2.1, Florida Building Code, Building Volume (2007), provides:

Louvers protecting intake and exhaust ventilation ducts not assumed to be open that are located within 30 feet (9144 mm) of grade shall meet requirements of an approved impact-resisting standard or the Large Missile Test of ASTM E 1996.

3. Section 1609.1.2.2.1, Florida Building Code, Building Volume (2007), states that:

Impact resistant coverings shall be tested at 1.5 times the design pressure (positive or negative) expressed in pounds per square feet as determined by the Florida Building Code, Building Section 1609 for which the specimen is to be tested.

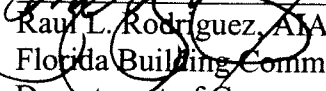
4. Based on the foregoing, within the wind borne debris region and outside of the high velocity hurricane zone, Section 1609.1.2.1, Florida Building Code, Building Volume (2007), does not require louvers that are located more than 30 feet above grade and louvers that are not attached to ducts to demonstrate impact resistance.

5. The minimum test standard applicable to louvers does not include cyclic testing after the impact test. The static test referred to above, however, is required.

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

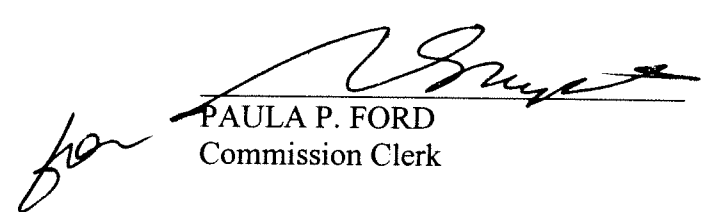
District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 6 of January, 2009, 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 8th day of Jan, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

W. Vincent
Construction Specialties, Inc.
49 Meeker Avenue
Cranford, New Jersey 07018

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