

1/8/09

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CONSTRUCTION SPECIALTIES, INC.,

Case #: DCA08-DEC-237

Petitioner.

_____ /

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, custom engineered for the particular project, which is outside of the wind borne debris region of the State of Florida but requires impact resistance.
4. The Petitioner inquires whether such custom engineered louvers are required to have state approval; whether louvers can be custom engineered and utilized based on rational analysis rather than testing; and whether a local building official is required to approve louver installation based on calculations sealed by a Florida registered engineer?

5. The Commission has previously entered a declaratory statement in case number DCA04-DEC-219, that concludes that custom engineered louvers are outside the scope of Rule 9B-72, Florida Administrative Code. The Petitioner fails to identify any amendment to rule or statute that would dictate a different result.

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code and Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

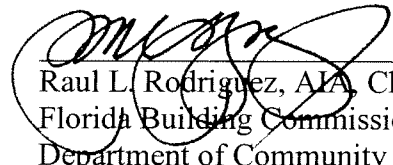
2. As concluded in case numbers DCA08-DEC-236, DCA08-DEC-238, and DCA08-DEC-239, decided contemporaneously herewith, louvers are subject to requirements contained within the Florida Building Code including structural windload requirements.

3. As a result, use of louvers in construction subject to the Florida Building Code is subject to review and approval by the local authority having jurisdiction. However, State Approval by the Commission may be obtained as an alternative to local approval. In order for a standard louver to demonstrate compliance with the Code, it must be tested to the applicable standards specified by the Code and rational analysis cannot be used in lieu of testing.

4. The declaratory statement entered by the Commission in DCA04-DEC-219 is specific to “custom one-of-a-kind” louvers. Custom one-of-a-kind louvers are outside the scope of Rule 9B-72, and therefore, subject to review and approval by the authority having jurisdiction.

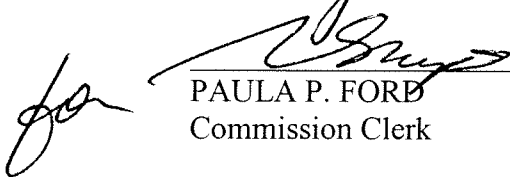
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 31st 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