

1/8/09

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

CONSTRUCTION SPECIALTIES, INC.,

Case #: DCA08-DEC-239

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 in Miami-Dade County, Florida, for a project that will be subject to the Florida Building Code (2007).
4. Specifically, the Petitioner asks whether an approval issued by the Florida Building Commission in accordance with Rule 9B-72, Florida Administrative Code, is sufficient to proceed or whether local approval demonstrated by a Dade County Notice of

Acceptance is required? Additionally, the Petitioner inquires whether, pursuant to Section 1626.1.g, Florida Building Code, Building Volume (2007), its louvers are required to be impact resistant if the building in which they will be included has been designed properly considering ASCE-7?

5. Petitioner also generally asks about the requirements of the large missile impact test, however, this inquiry is not limited to any particular facts and circumstances.

### **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. Section 553.842(9), Florida Statutes, states:

A building official may deny the local application of a product or method or system of construction which has received statewide approval, based upon a written report signed by the official that concludes the product application is inconsistent with the statewide approval and that states the reasons the application is inconsistent. Such denial is subject to the provisions of s. 553.77 governing appeal of the building official's interpretation of the code.

3. Section 1626.1.g, Florida Building Code, Building Volume (2007), provides:

All parts or systems of a building or structure envelope such as, but not limited, to exterior walls, roof, outside doors, skylights, glazing and glass block shall meet impact test criteria or be protected with an external protection device that meets the impact test criteria. Test procedures to determine resistance to wind-borne debris of wall cladding, outside doors, skylights, glazing, glass block, shutters and any other external protection devices shall be performed in accordance with this section.

Exception: The following structures or portion of structures shall not be required to meet the provisions of this section:

...  
g. Louvers as long as they properly considered ASCE 7 in the design of the building.

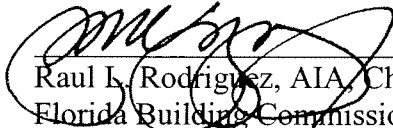
5. All products used in HVHZ must be in compliance with the Code requirements that are specific to the HVHZ. Demonstration of compliance with the Code can be either by obtaining state approval by means authorized by Rule 9B-72, Florida Administrative Code, or by local approval.

6. The Code imposes no impact requirements for the louvers in question provided the structure properly considers ASCE 7 in the design.

7. The Petitioner's question pertaining to the large missile impact test is over broad and an inappropriate matter for a declaratory statement.

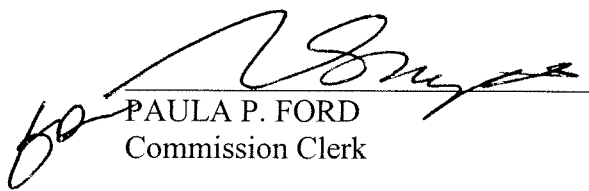
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford,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