

3/9/09

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

FLORIDA ROOFING SHEET METAL  
AND AIR CONDITIONING CONTRACTORS  
ASSOCIATION,

Case #: DCA08-DEC-331

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Brad Weatherholz of the Florida Roofing Sheet Metal and Air Conditioning Contractors Association, which was received on November 4, 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 is an association comprised, in large part, of Florida licensed, roofing contractors.
3. One of the purposes fulfilled by the Petitioner is to represent its members before the Commission and obtain interpretations of the Building Code on behalf of its members in the form of Declaratory Statements by the Commission.

4. Petitioner's members reroof existing buildings that require a roof slope of 33%, or four units vertical in 12 units horizontal. Petitioner inquires whether a single or double layer of underlayment is required by the Code in this circumstance?

#### **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 1507.2.8, Florida Building Code, Building Volume (2004 as amended 05/07), provides:

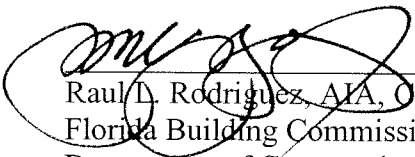
For roof slopes from two units vertical in 12 units horizontal (17-percent slope), up to four units vertical in 12 units horizontal (33-percent slope), underlayment shall be two layers applied in the following manner. Apply a minimum 19-inch-wide (483 mm) strip of underlayment felt parallel with and starting at the eaves, fastened sufficiently to hold in place. Starting at the eave, apply 36-inch-wide (914 mm) sheets of underlayment overlapping successive sheets 19 inches (483 mm) and fastened sufficiently to hold in place. For roof slopes of four units vertical in 12 units horizontal (33-percent slope) or greater, underlayment shall be one layer applied in the following manner. Underlayment shall be applied shingle fashion, parallel to and starting from the eave and lapped 2 inches (51 mm), fastened only as necessary to hold in place.

3. By application of the plain language of the Code, two layers of underlayment are required for roof slopes up to, but not including, 33%. The Code permits a single layer of underlayment for slopes of 33% and greater.

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,

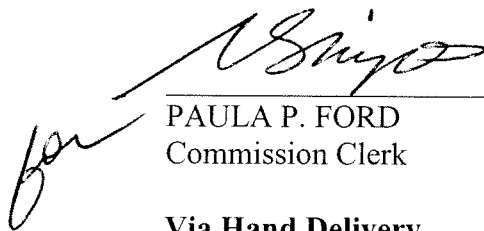
2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 5<sup>th</sup> of March, 2009, in Coral Gables, Miami-Dade County, State of Florida.

  
Raul D. 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 9 day of March 2009.

  
PAULA P. FORD  
Commission Clerk

**Via U.S. Mail**

Brad Weatherholz  
Florida Roofing Sheet Metal and  
Air Conditioning Contractors  
Association  
Post Office Box 4850  
Winter Park, Florida 32793

**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