

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

WINDSTRIPS, LLC,

Case #: DCA09-DEC-263

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Steven P. Clisset, President of Windstrips, LLC, which was received on July 14, 2009. 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 manufactures a product for use in projects subject to the Florida Building Code.
3. Specifically, the Petitioner's product, Windstrips, is a 1-1/8" wide by 0.009" thick plastic strip. The strip is yellow in color and imprinted with black ink. Windstrips are installed on a roof along each edge of the felt and above the seams in the field with staples spaced every 9".
4. The Petitioner inquires whether state approval is available for its product pursuant to Rule 9B-72, Florida Administrative Code?

Conclusions of Law

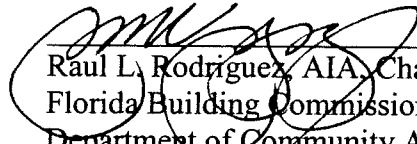
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.

2. State product approval is available for “products and systems, which comprise the building envelope and structural frame, for compliance with the structural requirements of the Florida Building Code. “ Rule 9B-72.005(2), Florida Administrative Code.

3. Based on the foregoing, state approval is not applicable to the Petitioner’s product. Use of the Petitioner’s product, however, may be permitted by local building officials pursuant to the authority of Section 104.11, Florida Building Code, Building Volume (2007 as amended on 10/01/09).

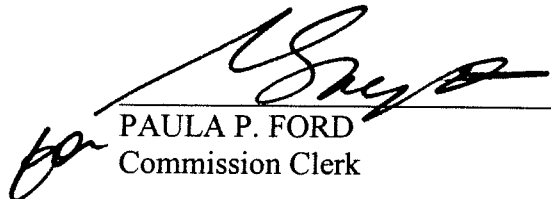
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 19 of November, 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 24th day of Nov., 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Steven P. Clisset
Windstrips, LLC
4630 Greylock Street
Boulder, Colorado 80301

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