

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

Florida Roofing Sheet Metal & Air
Conditioning Contractors Association, Inc.

Case #: DCA09-DEC-025

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Brad Weatherholtz, the Director of Technical Services for the Florida Roofing Sheet Metal & Air Conditioning Contractors Association, Inc., which was received on January 23, 2009, and subsequently amended on February 11, 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 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 are regularly contacted regarding work that includes reailing of roof decks.

5. The Petitioner seeks a clarification regarding Section 611.7.1, Florida Building Code, Existing Building Volume (2007 as amended 03/09), to govern its members future conduct and, specifically, whether a 0.131 diameter nail, minimum 2.25” long, rather than a nail of .141 diameter, is a sufficient fastener for roof decks, alleging that .141 diameter included within the Code is a typographical error.

6. The industry standard specification for minimum diameter of 8d nails is 0.131 inches and 8d nails with a diameter of 0.141 inches have not been utilized in the construction industry.

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 611 of the Florida Building Code, Existing Building Volume, addresses the determination of the need for supplemental fastening of a roof deck when existing homes are reroofed. Specifically, the section identifies 8d nails with a minimum diameter of **0.141** inches and at least 2.25 inches in length in designated numbers and locations as sufficient. Section 611.7.1, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09).

3. If the Code requires additional fasteners, 8d ring shank nails of specified dimensions, including a diameter of **0.131** inches, are required. Section 611.7.1.2, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09). That diameter is also specified by the 2005 AF&PA National Design Specification for Wood Construction adopted with the Code as a referenced standard for new construction. Section 2306.3.1, Florida Building Code, Building Volume (2007 as amended 3/1/09).

4. Applied as written, the requirement for existing 8d nails to have a diameter of at least 0.141 inches leads to the result that virtually all roof decks on existing homes would require supplemental fasteners in accordance with Section 611. This absurd result is directly contrary to the explicit intent for the majority of that Section that specifies existing means of fastening, including means that incorporate 8d nails, that are sufficient.

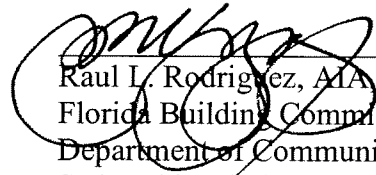
5. Neither the Commission nor its committees explicitly discussed or otherwise announced the intent to specify a diameter of nail not used within the construction industry.

6. Additionally, applying the provision as adopted leads to conflict within the Code as the Building and Existing Building Volumes specifically authorize 8d nails with a diameter of 0.131 inches.

7. Based on the foregoing, 8d nails with a diameter of 0.131 inches that otherwise meet the expressed requirements of Section 611 of the Existing Building Volume are sufficient fastening for existing roof decks.

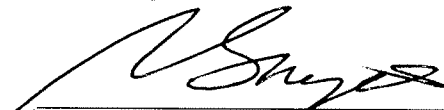
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 9th of July, 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 13 day of July, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Brad Weatherholtz
Director of Technical Services
Florida Roofing Sheet Metal & Air
Conditioning Contractors Association, Inc.
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