

**From:** Rodriguez, Gaspar (RER) [mailto:Gaspar.Rodriguez@miamidade.gov]  
**Sent:** Friday, May 22, 2020 2:09 PM  
**To:** Madani, Mo  
**Subject:** DS 2020-022 Questions for Petitioner

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Good afternoon Mo,

I offer the following questions for the petitioner to answer.

- 1) Where two sections of the code are in conflict, as in FEBC 502.3 with FEBC 601.1, which is applicable according to FBC 102.1, the more specific or the more restrictive?
  1. **Answer:** Where two sections of the code are in conflict, as in FEBC 502.3 with FEBC 601.1, the more restrictive code applies (see DS-2015 109 and DS-2015-135).
- 2) Where FBC section 1521.2 indicates that the definition of a roofing component (found on FBC page 453) *is a roofing product that is incorporated into various roofing assemblies*, would a concrete roof tile that is solely incorporated in one roofing assembly require a current product approval?
  2. **Answer:** Yes.
- 3) Where the Building Official invokes FEBC 706.1.1 and the repair contemplated is greater than 25% of roof or roof section, are you in agreement the entire roof or roof section must be replaced?
  3. **Answer:** Yes.

Stay Safe

**Gaspar J Rodriguez**, Senior Code Officer, Roofing  
**Miami-Dade County Department of Regulatory and Economic Resources**  
**Board and Code Administration Division**  
11805 S.W. 26<sup>th</sup> Street, Room 230  
Miami, FL 33175-2474  
786-315-2232 Office  
305-582-2134 Cell  
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<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/13/2016
File #	2016-00211

**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

BRACKEN ENGINEERING,  
INCORPORATED

Petitioner.

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**DS 2015-109**

**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Robin Davies, PE, for Bracken Engineering, Incorporated (Petitioner), that was received September 9, 2015. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

**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. Petitioner's representative in this matter is Robin Davies, Project Engineer for Bracken Engineering, Incorporated, 2701 West Busch Boulevard, Suite 200, Tampa, Florida 33618.
3. Petitioner is a consulting engineering firm located and licensed in the state of Florida. Petitioner is currently in the process of designing a repair for a detached single family home in Saint Petersburg, Florida, the roof of which was damaged by a tree limb during a storm. The damage was determined to be less than substantial structural damage.
4. Petitioner seeks clarification regarding the applicability of Chapter 6 and Section 708 of the Florida Building Code, Existing Building, 5th Edition (2014), as to whether repairs of roof

coverings performed under Chapter 6 need to comply with Section 708, Florida Building Code, Existing Building, 5th Edition (2014).

5. Specifically, the Petitioner requests an answer to the following question:

Does the repair of roof coverings performed in accordance with Chapter 6 of the 5th Edition (2014) Florida Building Code, Existing Building need to comply with the requirements of Section 708 Reroofing?

### **Conclusions of Law**

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2015) to interpret the provisions of the Florida Building Code by entering a declaratory statement.

7. Section 102.1, Florida Building Code, Building, 5th Edition (2014) states:

#### **General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

8. Section 602.2, Florida Building Code, Existing Building, 5th Edition (2014) states:

#### **New and replacement materials.**

Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided no dangerous or unsafe condition, as defined in Chapter 2, is created. Hazardous materials, such as asbestos and lead-based paint, shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

9. Section 606.2.1, Florida Building Code, Existing Building, 5th Edition (2014) states:

#### **Repairs for less than substantial damage.**

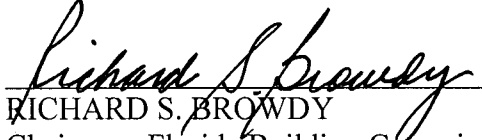
For damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition.

10. Section 708.1.1, Florida Building Code, Existing Building, 5th Edition (2014) states:

Not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire roofing system or roof section conforms to requirements of this code.

11. In response to Petitioner's question, the answer is yes, Section 708, Florida Building Code, Existing Building, 5th Edition (2014) applies because there is a conflict in the Code and Section 708 is more specific to reroofing/repair pursuant to Section 102.1, Florida Building Code, Building, 5th Edition (2014).

DONE AND ORDERED this 11<sup>th</sup> day of January, 2016 in Jacksonville, Duval County, State of Florida.

  
RICHARD S. BROWDY  
Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

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 (2015), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. 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 (2015).

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U. S. Mail to the persons listed below this 13<sup>th</sup> day of January, 2016.



Agency Clerk's Office  
Department of Business and Professional Regulation  
& Florida Building Commission  
1940 North Monroe Street  
Tallahassee, Florida 32399-1000

Via U.S. Mail

Robin Davies, PE  
Bracken Engineering, Incorporated  
2701 West Busch Boulevard, Suite 200  
Tampa, Florida 33618

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager  
Codes and Standards Section  
Department of Business and Professional  
Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399  
Mo.Madani@myfloridalicense.com

Marjorie Holladay  
Joint Administrative Procedures Committee  
Pepper Building, Room 680  
Tallahassee, Florida 32399-1300

**PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA BUILDING COMMISSION**

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>9/9/2015</b>
File #	

**Date:** September 9, 2015

**Company:** Bracken Engineering, Inc.  
**Address:** 2701 W Busch Blvd  
Suite 200  
Tampa, Florida 33618

**Name:** Robin Davies, PE  
**Title:** Project Engineer  
**Telephone:** 813-243-4251  
**Facsimile:** 813-243-9530  
**E-Mail:** [rdavies@brackenengineering.com](mailto:rdavies@brackenengineering.com)

**DS 2015-109**

**Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:**

5th Edition (2014) Florida Building Code, Existing Building – Section 606.2  
2010 Florida Building Code, Existing Building – Section 506.2  
2007 Florida Building Code, Existing Building – Section 506.2

**Background:**

Bracken Engineering, Inc. is a consulting engineering firm located and licensed within the state of Florida. Bracken Engineering is currently in the process of designing a repair for a detached single family home located in St. Petersburg, Florida that was damaged during a storm. Specifically, a tree limb impacted the roof and damaged a 10'x10' section of roof deck and approximately 20-30% of the shingles on this roof section. The damage was determined to be less than substantial structural damage. Petitioner seeks clarification as to whether repairs to roof coverings performed in accordance with Chapter 6 – Repairs, of the 5th Edition (2014) Florida Building Code, Existing Building would need to comply with the requirements of Section 708 Reroofing.

Language within past editions of the Florida Building Code, Existing Building have required the repair of roof coverings to comply with the requirements of the Repair Chapter as well as the Reroof requirements contained within the Alterations Level 1 Chapter. However, such language was not included in the 5<sup>th</sup> Edition (2014) Florida Building Code, Existing Building. Relevant excerpts from these referenced codes are provided below:

<p><b>2007 Florida Building Code, Existing Building</b></p> <p><b>Chapter 5 – Repairs</b> <b>Section 506 Structural</b></p> <p><b>506.2 Repairs to damaged buildings.</b> Repairs to damaged buildings shall comply with this section and <u>Section 611, Reroofing.</u> (emphasis added)</p>
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<b>2010 Florida Building Code, Existing Building</b>
<b>Chapter 5 – Repairs</b> <b>Section 506 Structural</b>
<b>506.2 Repairs to damaged buildings.</b> Repairs to damaged buildings shall comply with this section and Section 611, Reroofing. (emphasis added)

<b>5th Edition (2014) Florida Building Code, Existing Building</b>
<b>Chapter 6 – Repairs</b> <b>Section 606 Structural</b>
<b>606.2 Repairs to damaged buildings.</b> Repairs to damaged buildings shall comply with this section.

.....

**QUESTION:**

**Does the repair of roof coverings performed in accordance with Chapter 6 of the 5th Edition (2014) Florida Building Code, Existing Building need to comply with the requirements of Section 708 Reroofing?**

.....

**Summary**

Petitioner respectfully believes the answer to the question outlined above is **“No.”** The language that required this compliance in past editions of the Florida Building Code, Existing Building has not been included in the 5<sup>th</sup> Edition (2014) Florida Building Code, Existing Building. Therefore the requirements of Section 708 Reroofing do not apply to the repair of roof coverings under the 5<sup>th</sup> Edition (2014) Florida Building Code, Existing Building.

Respectfully submitted,

Bracken Engineering, Inc.



Robin Davies, PE  
Project Manager  
September 9, 2015

STATE OF FLORIDA  
BUILDING COMMISSION

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>1/13/2016</b>
File #	<b>2016-00207</b>

In the Matter of

BRACKEN ENGINEERING,  
INCORPORATED

**DS 2015-135**

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Robin Davies, PE, for Bracken Engineering, Incorporated (Petitioner), that was received November 3, 2015. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

**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. Petitioner's representative in this matter is Robin Davies, Project Engineer for Bracken Engineering, Incorporated, 2701 West Busch Boulevard, Suite 200, Tampa, Florida 33618.
3. Petitioner is a consulting engineering firm located and licensed in the state of Florida. Petitioner is currently in the process of investigating roof damage and offering repair recommendations for a house located in Spring Hill, Florida, the roof shingles of which were damaged by hailstone impacts during a storm.
4. Petitioner seeks clarification regarding the applicability of Chapter 6 and Section 708 of the Florida Building Code, Existing Building, 5th Edition (2014), as to whether repairs of roof

coverings performed under Chapter 6 need to comply with Section 708, Florida Building Code, Existing Building, 5th Edition (2014).

5. Specifically, the Petitioner requests an answer to the following question:

Does the repair of roof coverings performed in accordance with Chapter 6 of the 5th Edition (2014) Florida Building Code, Existing Building need to comply with the requirements of Section 708 Reroofing?

### **Conclusions of Law**

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2015) to interpret the provisions of the Florida Building Code by entering a declaratory statement.

7. Section 102.1, Florida Building Code, Building, 5th Edition (2014) states:

#### **General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, **the most restrictive shall govern.**

8. Section 602.2, Florida Building Code, Existing Building, 5th Edition (2014) states:

#### **New and replacement materials.**

Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided no dangerous or unsafe condition, as defined in Chapter 2, is created. Hazardous materials, such as asbestos and lead-based paint, shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

9. Section 606.2.1, Florida Building Code, Existing Building, 5th Edition (2014) states:

#### **Repairs for less than substantial damage.**

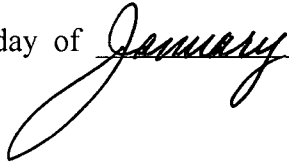
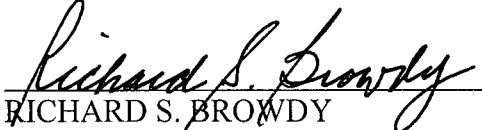
For damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition.

10. Section 708.1.1, Florida Building Code, Existing Building, 5th Edition (2014) states:

Not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire roofing system or roof section conforms to requirements of this code.

11. In response to Petitioner's question, the answer is yes, Section 708, Florida Building Code, Existing Building, 5th Edition (2014) applies because there is a conflict in the Code and **Section 708 is more specific to reroofing/repair** pursuant to Section 102.1, Florida Building Code, Building, 5th Edition (2014).

DONE AND ORDERED this 11<sup>th</sup> day of January, 2016 in Jacksonville, Duval County, State of Florida.

  
  
RICHARD S. BROWDY  
Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

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 (2015), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. 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 (2015).

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U. S. Mail to the persons listed below this 13<sup>th</sup> day of

January, 2016.



Agency Clerk's Office  
Department of Business and Professional Regulation  
& Florida Building Commission  
1940 North Monroe Street  
Tallahassee, Florida 32399-1000

Via U.S. Mail

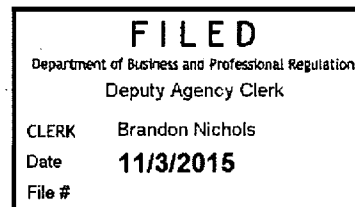
Robin Davies, PE  
Bracken Engineering, Incorporated  
2701 West Busch Boulevard, Suite 200  
Tampa, Florida 33618

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager  
Codes and Standards Section  
Department of Business and Professional  
Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399  
Mo.Madani@myfloridalicense.com

Marjorie Holladay  
Joint Administrative Procedures Committee  
Pepper Building, Room 680  
Tallahassee, Florida 32399-1300

**PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA BUILDING COMMISSION**



**Date:** November 1, 2015

**Company:** Bracken Engineering, Inc.  
**Address:** 2701 W Busch Blvd, Ste 200  
Tampa, Florida 33618

**Name:** Robin Davies, PE  
**Title:** Vice President of Production  
**Telephone:** 813-243-4251  
**E-Mail:** [rdavies@brackenengineering.com](mailto:rdavies@brackenengineering.com)

**DS 2015-135**

**Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:**

5th Edition (2014) Florida Building Code – Existing Building, Section 202  
5th Edition (2014) Florida Building Code – Existing Building, Section 502  
5th Edition (2014) Florida Building Code – Existing Building, Section 606  
5th Edition (2014) Florida Building Code – Existing Building, Section 708

**Background:**

Bracken Engineering, Inc. is a consulting engineering firm located and licensed within the state of Florida. Bracken Engineering is currently in the process of investigating roof damage and offering repair recommendations for a house located in Spring Hill, Florida. The roof shingles of this home were damaged by hail stone impacts during a recent storm. Specifically, the hail damaged approximately 12 percent of the shingles on the east facing slope and approximately 15 percent of the shingles on the south facing slope, amounting to a total of 27 percent damaged shingles on the total roof. The Hernando County Property Appraiser's website lists the building value as \$160,994. Petitioner seeks clarification as to whether repairs to roof coverings performed in accordance with Chapter 6 – Repairs, of the 5th Edition (2014) Florida Building Code, Existing Building would need to comply with the requirements of Section 708 Reroofing.

Specifically, the 2014 Florida Building Code – Existing Building states within the follow sections as follows:

**Section 202, General Definitions - ALTERATION.** Any construction or renovation to an existing structure other than a repair or addition. Alterations are classified as Level 1, Level 2 and Level 3.

**Section 202, General Definitions - REPAIR.** The restoration to good or sound condition of any part of an existing building for the purpose of its maintenance.

**Section 502.1 Scope.** *Repairs, as defined in Chapter 2, include the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.*

**Section 502.2 Application.** *Repairs shall comply with the provisions of Chapter 6.*

**Section 606.1.1 Nonstructural repair.** *Nonstructural repair exclusive of fixtures and furniture, the cost of which does not exceed 25 percent of the replacement value of the existing building or structure, with the approval of the building official may be made of the same material of which the building or structure is constructed.*

**Section 606.2 Repairs to damaged buildings.** *Repairs to damaged buildings shall comply with this section.*

**Section 708.1.1** *Not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire roofing system or roof section conforms to requirements of this code.*

.....

**QUESTION:**

**Does the repair of roof coverings performed in accordance with Chapter 6 of the 5th Edition (2014) Florida Building Code, Existing Building need to comply with the requirements of Section 708 Reroofing?**

.....

**Summary**

The petitioner respectfully believes that the answer to the questions is 'No' and the repair to the roof covering would be subject to Section 606.1.1 Nonstructural Repair. As can be seen in the sections cited above, the definition of *Alteration* explicitly excludes repairs. The classification of work under Section 502.2 states that repairs shall comply with the provisions of Chapter 6, and Section 606.2 states that repairs shall comply with section 606. The building is valued at \$160,994 and as long as the repair does not exceed \$40,248 the Nonstructural Repair may be made of the same material of which the building or structure is constructed.

Respectfully submitted,  
Bracken Engineering, Inc.



Robin Davies, PE  
Vice President of Production