

**FILED**

Department of Business and Professional Regulation

Senior Deputy Agency Clerk

CLERK: Brandon Nichols

Date: 8/5/2022

File #:

**From:** Leo Amos <laajr1@yahoo.com>  
**Date:** August 5, 2022 at 2:38:23 PM EDT  
**To:** Mo Madani <Mo.Madani@myfloridalicense.com>  
**Subject:** Petition For Declaratory Statement Before the Florida Building Commission

Date August 5th, 2022

Petition for Declaratory Statement Before the Florida Building Commission

Leo Amos  
2879 Janet Street  
Matlacha Fl.  
33993  
239-823 4259  
[Laajr1@yahoo.com](mailto:Laajr1@yahoo.com)

## DS 2022-037

Statutes / Agency code on which the Declaratory Statement is sought.  
2020 Florida Building Code Residential codes and Florida Building Code 107.1 and 107.35 re roofs and Florida Statute 486.604. (1) Responsibilities of Building Official

Background: FBC 107.35 deletes the requirements of plan review for residential re roofs.  
FBC 107.1 allows the building official to deletes review of plans.

Florida Statute 486.604 (1) requires the building official or other qualified persons to review plans. It does not delete or provide the ability of the FBC to delete any plan review for a permit to be issued.

The Building Official of Lee County has determined that he has the power to not require Residential plan for re roof or a review of that plan. His requirements is a general material without a manufactures identification in order to get a residential permit.

I had a re roof of the flat portion of my home. My roof was inspected and I was given a Certification of my flat TPO roof meeting FBC. Six months later my roof leaked at the flashings of the tie in from my flat TPO roof to my tile roof. Also my wind mitigation inspection failed because of the installation of the TPO flashings was rolled roofing and tar placed over the TPO flashing and tiles placed on top of both. The TPO was never fastened down to the tile roof area.

Going over the process of why my re roof leaked costing \$3400 in damages to my kitchen. I asked for the contractors plans from Lee County Building official. I was given a copy of the permit showing only that the permit was for a TPO re roof. Under open records request I asked about the contractors plan again. I was told that there was none except it was not required only the material was required. The plan was for TPO re roof.

I called the Manufacture of the TPO material. It was GAF 60 mil Everguard 20 year warranty. I asked if rolled roofing and tar was the manufacturers installation flashings for my roof and they told me no. I asked for a print of the flashing installation and they supplied the installation print.

It did not include rolled roofing and tar as a flashing.

I requested a copy of the rolled roofing and tar installation material and installation instructions from the Lee County Building Official and was told that I had received all the information from him. This amounted to the generic TPO and nothing else. I still have no idea who manufactured the rolled roofing and tar and how the installation met FBC,

In summing up the what my Petition for a Declaratory Statement.

My questions are the following:

1. Under Florida Statutes 486.604 (1) f.s. does this give FBC the power to delete the need for plans on re roofs when the State Statute requires a plan?
2. Does FBC have the ability to delete review of plans, when the State Statutes states under 486.604 (1) f.s. that it's the responsibility of the Building Official is to review plans before any permit is issued?
3. Does FBC 107.1 give the power to the building official to delete both the need for plans and the review of plans for re roof for residential property
4. Does FBC 107.1 give the power to a building official to use generic material names for materials used for re roofs?
5. Does FBC 107.1 give the power to the building official to allow the use of any building materials in a re roof that aren't listed on his approval of so called material plans without knowing what the builder will use?
6. Can the building official approve of a flashing material that has no manufacture or installation instructions and still meet FBC?
7. Can my home be approved and Certified as meeting FBC and it fails to keep water out and fails to meet wind storm inspection can it still meet FBC and Certification?

I am potentially affected by the above items that I have petitioned a declaratory statement ,because I will be re roofing my 20 year old tile roof.

The below section is a partial copy of a letter to me from Mr. McNulty Building Official for Lee County. This is for additional information.

The TPO roof permit for your flat roof does not go through any type of plan review process, it is issued almost as soon as application is made. This is per Florida Building Code 107.1. In this case it was issued the day after the application was received. TPO is a single ply roofing system that only receives one inspection, a final; there is no in-progress inspection. We do not get on the

roof during every roof inspection. Aside from being dangerous, walking on certain finished roofs can damage them. TPO roofing is installed over insulated panels that can also be damaged by a person walking on it by crushing the insulation and creating places for water to puddle. We do not accept pictures in place of a required inspections. Our inspectors inspect what they can see to ensure compliance with the Florida Building Code. Roofing materials such as TPO have product specific Florida approvals (approved by the Florida Building Commission) with accompanying installation instructions that the contractor must follow (attached) per Florida Building Code Table R301.2(2) and Florida Statutes 553.842. The process for obtain a Product approval in Florida is rigorous. The manufacturers have to provide installation instructions and extensive testing data for each type of installation. In many cases it is impossible for an inspector to see every screw, every nail, every adhesive strip, or every seam.

Sincerely ,  
Leo Amos  
Sent from my iPad