

**Declaratory Statement Legal Report**  
**August 23, 2005**  
**Miami Lakes, Florida**

**DCA05-DEC-094** By Jeffrey B. Stone of American Forest & Paper Association.  
(Deferred subject to Commission's action on Mod 509 and Mod 570) (Withdrawn)

**DCA05-DEC-095** by William S. Berk for State Farm Florida Insurance Company.  
(Referred to the Local Appeal Board).

**DCA05-DEC-113** by David G. Karins, PE of Karins Engineering Group, Inc. Petitioner seeks a Declaratory Statement on an interpretation of sections 1610 and 1612 of the 2001 Florida Building Code, Building, and sections 1604.3 and 1613 of the 2004 Florida Building Code, Building.

**Question 1:** To the question, "Do deflection limits prescribed by FBC 2001 sections 1610 and 1612 apply to the approved products?", the answer is **YES**. Testing standards referenced in the code do not provide deflection limits for the products in question; therefore sections 1610 and 1612 shall apply. To the question of, "Do the deflection limits prescribed by the footnote of Table 1610.1 apply to the products?", the answer is **NO**. The footnote of Table 1610.0 relates to formed metal sheeting and does not refer to fiberglass materials.

**Question 2:** To the question, "Do deflection limits prescribed by FBC 2004 sections 1604.3 and 1613 apply to the approved products?", the answer is **YES**. Testing standards referenced in the code do not provide deflection limits for the products in question; therefore sections 1604.3 and 1613 shall apply. To the question of, "Do the deflection limits prescribed by the footnote of Table 1604.3 apply to the products?", again the answer is **NO**. The footnote of Table 1604.3 relates to formed metal sheeting and does not refer to fiberglass materials. To the question What are the deflection limits for the products?, the answer is as follows:

- For non-HVHZ according to Table 1604.3 (FBC 2004) for product #FL4097(s Skylights), deflection limits shall not exceed those relating to "roof members not supporting ceiling". For products #FL4229(windows) and #FL4230(panel walls), deflection limits shall not exceed those relating to "exterior walls and interior partitions with flexible finishes".
- For the HVHZ according to Section 1613 (FBC 2004) for product #FL4097(s Skylights), deflection limits shall not exceed  $L/240$ , which relates to "roof members or components not supporting plaster". For products #FL4229(windows) and #FL4230(panel walls), deflection limits shall not exceed  $L/180$  which relates to "vertical members and wall members or components not required to meet all conditions of Section 1613.1, item 4". Section 1613.1, item 4 states "Vertical members and wall members or components consisting of or

supporting material that hardens in place, is brittle or lacks resistance to cracking caused by bending strains”.

**DCA05-DEC-135** by Vipin N. Tolat of Tamlyn & Son’s Wood Connectors. Petitioner seeks a Declaratory Statement to clarify the application process that Tamlyn & Son’s Wood Connectors can use to submit an application in accordance with Product Approval Rule 9B-72.

**Question 1:** “If Tamlyn files a Florida Product Approval Application ICC as the evaluation entity (where the engineering calculations for ESR 1347 was prepared by L.M. Gabert), Gabert-Abuzalaf as a Q/A entity and Vipin N. Tolat, a Florida P.E. as a validation entity, will it be acceptable?”

**Answer to Question 1:** “No” according to 9B-72.110, an entity is not permitted to be party to an evaluation entity and at the same time be a QA entity for same product. Serving both products constitutes a conflict of interest. In addition as of August 19, 2005, Gabel-Abuzalaf’s application as an entity is currently in the “Pending” Status. When Gabel-Abuzalaf’s application is approved; they will be eligible for use as a Q/A entity.

**Question 2:** “When a Florida Product Approval Application is submitted using the evaluation report method with ICC as evaluation entity, can the Florida PE who signed and sealed the calculations in the ICC-ES report, also validate this application?”

**Answer to Question 2:** “No”, According to 9B-72 .110(4), a Florida registered Professional Engineer is not permitted to be party to an evaluation report and at the same time be the validator for the application. Serving both functions constitutes a conflict of interest.

**DCA05-DEC-136** by **Tim Michaels of Stoughton Homes, Inc.** The petitioner seeks to determine whether the 2004 Residential Code would allow openings on the zero lot line of a building with a ten foot separation between buildings, and whether a fire sprinkler system is required in these homes.

**Question -** Does the Residential Code allow openings on the zero lot line of a building with a ten foot separation between buildings.

**Answer - Yes,** The language in the Residential Code only prohibits openings in exterior walls of a dwelling or accessory building that is separated from an adjacent building by a distance of less than 6 feet With regard to the sprinkler system see the response to DCA05-DEC-142.

**DCA05 DEC-142** by Tim Michaels of Stoughton Homes, Inc. The petitioner seeks to determine whether the 2004 Florida Building Code, Residential requires fire protection sprinklers on single family dwellings three or more stories.

**Question** - Does the Residential Code require fire protection sprinklers on single family dwellings three or more stories.

**Answer** - No, for three or fewer stories. The 2004 Florida Building Code, Residential (FRC) is limited in scope to “not more than three stories in height” According to the FRC, a three story single family dwelling is not required to be sprinklered. **However,** The Residential Code is NOT applicable to buildings more than three stories in height. Those buildings would have to meet the requirements of the Florida Building Code, Building. According to section. 903.2.7, an automatic sprinkler system installed in accordance with Section 903.3 is required.

**DCA05-DEC-149 by Gene Boecker, AIA, Code Consultants, Inc. (Withdrawn)**

**DCA05-DEC-151** by William Shoolbred of Elixir Industries. Petitioner seeks a Declaratory Statement to clarify if their product (Elixir E-5000 Aluminum Roof System - an aluminum roll panel, factory seamed roof over system) falls under Product Approval Rule 9B-72, if so – clarify the requirements for successful processing of a Product Approval application.

**Question 1** - Whether the product in question should be listed under Category: Structural Components; Subcategory: Roof-Deck or Category: Roofing; Subcategory: Other?

**Answer to Question 1** - The product could be listed in either category. POC with input from A&A, DCA Staff and manufacturer should discuss then identify the Category and Subcategory.

**Question 2** - Whether the product in question should be in compliance with the uplift requirements of Chapter 15 of the 2004 Florida Building Code?

**Answer to Question 2** - In accordance with Section 1504.3.2 Metal Panel Roof Systems of the 2004 FBC, this metal roofing system is required to be tested according to the requirements of UL580 or ASTM E 1592.