The AAF held their 2012 quarterly State Board of Directors Meeting on February 4 in Port St Lucie. The meeting was hosted by our Treasure Coast Chapter and was well attended. The Friday night hospitality suite was a great success, as usual. The suite brings interested parties together and helps with the exchange of thoughts and ideas in an informal environment.

The meeting began with a tremendous buffet breakfast followed by the board meeting. The meeting included our traditional officer and committee reports, and there was a break out in which Tom Johnston from Town & Country Industries gave a presentation of their Alternative Screen Enclosure Design Legislation followed by a lively question and answer period. At the conclusion of the board meeting, there was a one hour CE class on the 2010 Florida Building Code that 21 people attended.

One of our UMDA members, Town & Country Industries, sought legislative approval that would allow for another approved method of designing screen enclosures that would be less costly and more beneficial to consumers, contractors and suppliers in our industry. With the support of the AAF and its members the 2012 Florida Legislature approved Senate Bill 704 and the rule process has begun to place the Alternative Screen Enclosure Design method into the Florida Building Code.

AAF Code Consultant, Joe Belcher requested a Declaratory Statement from the Florida Building Commission on whether the Energy Code takes precedence over the 30% of the value of the improvement rule. The full commission, after hearing from both sides of the issue, has returned the matter back to the Energy Technical Action Committee for further review and will be taken up again at the June 12th meeting of the full commission.

The Florida Building Code continues to change and with each cycle matters of interest to the AAF also change. The CE class presented at the February board meeting was invaluable in the heads up information that was presented and how the changes affect our

Continued on next page...
...continued from front page.

businesses. New wind speed maps were presented with a two and a half hour presentation and discussion.

The 2010 Florida Building Code went into effect on March 15, 2012. We have had requests for engineering that includes the new provision in the code and we continue to refer our professional members to meet their needs. We have also updated the Guide for Aluminum Construction in High Wind Areas to include all the necessary tables to accommodated the new wind speeds and exposure categories.

I encourage everyone to be a part of the building code process as opposed to being surprised and uninformed when the 2013 Florida Building Code goes into effect. The deadline for new code changes is July 1, 2012 and everyone can participate.

I hope you will join us for the upcoming State Board of Directors Meeting on May 4th & 5th at River Ranch. In the past this has been a favorite place to bring families for a fun weekend and participate in the process at the same time. Hope to see you there.

Round up the family for a special AAF Board Meeting at Westgate River Ranch Resort near Lake Wales. This event will take place May 4 & 5. Special AAF rates have been procured for this meeting: $89/night for Inn Rooms and $109/night for Courtyard Rooms. Call the resort directly at (877) 502-7058 to make your reservation and mention code 14-473 to receive the discounted room rate. Reservation deadline is April 21 so call today! After this date rate and availability can not be guaranteed.

The Board meeting will be held from 9 AM - 11 AM, followed by a boxed lunch. The meeting will feature reports on Membership, Window Replacement versus Energy Code, Alternative Screen Enclosure Design and updates from individual chapters.

Saturday afternoon will feature a cook-off in celebration of Cinco de Mayo. Join us for plenty of Corona, tequila and good Mexican food.

Then gather the family that evening for the Dinner Hayride or the River Ranch Rodeo. Find out more information by visiting www.wgriverranch.com.

Reserve your seat at the Board Meeting by email to aafoffice@bellsouth.net or by phone to 407-898-8287.

And be sure to join us Friday evening (May 4) at the AAF Hospitality Suite beginning at 5 PM.

We look forward to seeing you there!
Withstanding the Test of Time?

Every hurricane season your customers wonder if this is the year they’ll face a major storm. Their only option is to be prepared. On average, they’ll need to rely on your shutters once or twice every 10-14 years. All approved shutters meet minimum testing standards when installed but are they truly equal? When a hurricane threatens, they’ll depend on your shutters. The photo on the left clearly shows the effects of a poorly designed system utilizing inferior coatings on the stainless steel screws.

All Eyewall Armor® shutters are designed to give the longest service life possible. Eyewall Armor® screws and hardware receive special coatings that minimize corrosion that can cause a shutter to self destruct as seen in the photo above. Each of these shutters are located on the same ocean front building, facing the same exposure. Six years and a significant investment later…which customer will give you a referral?

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Contact us at 800.432.5019 for more information or visit us online at www.eyewallarmor.com
Florida Building Code
The Commission has set July 2012 for submitting code changes for the 2013 Florida Building Code. This will be the first code change cycle since legislation was passed requiring the expiration of all previously approved amendments. All previously approved Florida Specific Amendments will have to be resubmitted, justified and reargued. The code consultant continues work to identify the Florida Specific Amendments affecting the industry that will expire, and intends to submit all existing Florida Specific Amendments to the Florida Building Code. Members with specific code change proposals are encouraged to submit such changes to AAF Headquarters.

The 2010 Florida Building Code went into effect March 15, 2010. The paper version of the 2010 Florida Building Code is now available. There is a free “View-Only” version of the code available online at [http://www2.iccsafe.org/states/florida_codes/](http://www2.iccsafe.org/states/florida_codes/)

Senate Bill 704
Senate Bill 704 passed and has been signed by to the Governor with an effective date of July 1, 2012. While there may be other items of interest within the bill, the bill contains two items of major interest to the industry at Sections 3 and 19. (For a copy of the bill, contact AAF Headquarters.)

Have you ever gone in for a permit for an unconditioned non-habitable sunroom or a screen enclosure and had the permitting department require upgrading of the existing septic tank as part of the permit? This practice varies from jurisdiction to jurisdiction across the state. The bill at Section 3 addresses health department issues related to septic tanks and when upgrades are necessary. Once SB 704 goes into effect, this will only apply to bedroom additions. The statute creates a definition for bedrooms and then states the septic tank upgrade applies only when the addition is a bedroom.

Florida Statute Chapter 381.0065(2)(b)1. “Bedroom” means a room that can be used for sleeping and that:

a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;

b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;

c. Is located along an exterior wall;

d. Has a closet and a door or an entrance where a door could be reasonably installed; and

e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.

3. “Bedroom” does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Among other changes affecting septic tanks, the law states at Chapter 381.0065(4)(z):

(z) A modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition to a single-family home if a bedroom is not added.

Finally, the law requires the Florida Building Commission to appoint a workgroup to assist the Commission in adopting alternate provisions for designing screen enclosures accounting for the use of retractable or removable screen panels or by requiring the cutting of identified screen wall panels.

Screen Enclosure Workgroup
The Screen Enclosure Workgroup to assist the Commission in implementing SB 704 has been appointed and the first meeting was held on April 3, 2012. After preliminary items the Workgroup reviewed the draft proposed rule prepared by the AAF code consultant shown below.

**Proposed Rule to Implement Alternate Design Method for Screen Enclosures**

**Chapter XX-X**

**Screen Enclosures**

**XX-X.001 Scope.**

Continued no page 10....
“WHOLESALE” AND “THE SAIL”  
By Kevin Sciglia with AMH Aluminum

The subject of whether or not aluminum suppliers can sell their products to unlicensed contractors or not has been brought up from time to time at our meetings since I’ve been on the Board (quite a few years now). The argument that they are not allowed to is a little misguided (in my view). The following is an excerpt from the North American Industry Classification System (NAICS), the US Government’s official system for classifying industries. You may find them at www.census.gov/eos/www/naics.

“The distinction between retail and wholesale trade used to be in terms of who the customer was. Under SIC (Standard Industrial Classification system) retailers were those who sold to consumers, and wholesalers sold to businesses and institutions. Then along came a variety of computer stores and office supply stores and building material stores that sold to both businesses and individuals.

In NAICS, a retailer is characterized more by the way it does business—with a storefront, advertising to the public, and display of merchandise—than who its customer is.

The net effect of these changes is to subtract some activity from wholesale trade and add it to retail trade.”

There are some states that have a distinction between the two (wholesale vs retail), but that is based on the collection of sales taxes (the wholesalers’ customers usually are tax exempt, while the retailer collects sales tax). Florida does not. If you, as a contractor, choose to be tax exempt you may do so, however you may have to collect the tax from your customer and pay the state. If you choose not to be tax exempt you pay the sales tax at point of purchase (the supplier). The suppliers also have to compete with big stores like Home Depot or Lowe’s for their business. Both of those chain stores sell screen, spline, shutters, downspouts, gutters, excursions, etc.

If you are a licensed contractor, it would make sense that you probably purchase more material from your supplier than a non-licensed contractor working out of their pickup. This should be a bonus to you as the wholesaler has the ability to show their loyalty and gratitude to you by offering you a better price for materials compared to the non-licensed contractor. The suppliers do choose who they sell to by typically not dealing directly with homeowners (they can go to Home Depot, Lowe’s or elsewhere). Therefore, the suppliers are not the bad guys (if they only sold to AAF members they’d go broke in a week), so give the suppliers a break and sell yourself and your services better.

Now, on to “The Sail.” It also has been brought up at meetings in the past. “How?” you ask. Well here we go.

Screen has been described as being a structural component of a screen room or pool enclosure. To say that, is like saying that the sail is a structural component of the sailboat. Granted the sail is the most important and vital part of the boat for propulsion and progress but has no bearing on the structure other than to create resistance to the wind (wind load). If the sail is left at full mast in high winds and rough seas the boat may capsize or sustain structural damage (broken mast, etc.). In my humbled opinion, screen has no structural bearing on a cage except to create resistance to the wind (wind load). If the screen is left at full mast (not removed) in high winds and rough weather, the cage may capsize or sustain structural damage. We’ve seen this in the past and will continue to see it in the future.

Unless there is some common sense approach in designs allowing for the removal of the screen sections or panels that would allow the wind to flow freely through the structure. We will continue to have the screens at full mast during the storms, where they can and will act like sails.

Speaking of sails, I’d like to thank Town and Country Industries for their accomplishment on creating an opportunity for the development of structures built with the application for removable screen sections for pool enclosures and screen rooms. It is a simple concept that has a lot of common sense, but it did not come without a lot of effort and resources.

Town and Country is putting their best foot forward to give our trade an alternative option to construct our structures. They did this to offer the contractor another choice that may be more cost effective for their client’s budget. It was a major step to spearhead this project and again I thank them.
Health Care Plan Returns Premiums for Healthy AAF Members

By Don Leggett with Insurance Office of America

With the economy beginning to improve most businesses are trying to increase cash flow to create working capital. A new benefit plan discovered by the AAF Membership Chairman will help thousands of contractors and manufacturers reduce their insurance premiums, and increase their companies health plan benefits. If the employees remain healthy a return of up to 30% of the health care premium goes back to the company to increase their cash flow. If the employees use a significant amount of healthcare the employer’s premium remains the same as originally quoted when the policy period begun. Lower rates, better benefits and a chance to get money back with a new program that adds value to your AAF membership.

Some readers will be thinking it sounds too good to be true and in years past the insurance carriers were not required to return the premiums. But health care is changing. With the recent Health Reform Act being put into play, the way people pay for medical expenses is constantly changing. Now more people than ever have affordable health care available to them in the United States, and insurance rates are changing to accommodate the developments in legislature.

In 2009, 255 million people had coverage and in 2010, that number increased to 256 million people. In the United States, more people are deciding to take advantage of health insurance and the benefits that come with it than ever before. The increased volume of business has allowed most insurance carriers to reduce the cost per head of care provided to their customers. Most major health insurers are into a third year of record profits. Yet the companies continue to press for higher premiums. These carriers defend their ongoing price increases as a hedge against healthcare reform and medical inflation.

Outside observers might conclude that the health care providers are just taking advantage of the current opportunity created by additional demand for healthcare services. This increase in utilization creates an opportunity for volume discounts.

Volume discounts have been around since the beginning of commerce, the big guys always pay less than the little guys. 2012 will be the year that some carriers that are having record breaking profits continue to reward their stakeholders while other carriers are returning the premiums to the companies and employees who use the system the least; which will increase the number of participants which again will increase the volume discount and allow the cycle of returning unused premium to continue.

So which makes more financial sense, stay with the carriers that produce record breaking profits or switch to a carrier that has been around for 82 years and has decided to grow market share by returning the profits to the participants. It is easy to get involved and even easier to get your premium dollars back. Contact Don Leggett, AAF Membership Chairman, at 813-927-9993 or email him at Don.Leggett@ioausa.com and see how this new idea in health care can save your company money.

**AAF Supplier Members - Deal with the Seal**

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More Supplier Members on next page...
What does that mean and when can I use it? Those are the two most common questions that I seem to get these days. This is a new Legislative directive to the Florida Building Commission that directs the Commission to adopt an alternative method of design that is focused on enclosures that requires screens above the chair rail (none in the roof) to be cut, removed or retracted when winds are forecasted to exceed 75 m.p.h. or hurricane force.

One misconception is that this will be putting engineering into code. That is not true. The Florida Building Commission has formed a work group to take the legislative directive and put the requirements into code. The basis of what this will consist of is more like “the rules of engagement” for engineers and contractors. Each enclosure will have to be site specific with sealed plans. Every engineer will still have to design enclosures just like he does today for a wind speed of 110 m.p.h.. He will then begin analyzing the structure with the screen above the chair rail, cut, removed or retracted. For a wind zone of 120, there may be no real reason to build any differently than you do today. In a wind zone of 150, there could be a real savings to the consumer.

One of the most important requirements of this new method is that the chair rail must be located at 48” if there is no other pool barrier present. Many homes already have a fence or other pool barrier so it will not be an issue. Another requirement will be that the original contractor will need to leave a roll of screen and enough spline to rescreen the enclosure after the screen has been cut. This is not a continual supply of screen! This happens only at the original point of sale. The contractor will also need to supply clearly visible labels that identify the panels to be cut, removed or retracted as well as fill out a form that notifies the homeowner of the alternative design, what his or her duties are to prepare for a storm, as well as the potential consequences of not preparing for the storm. This notice will also need to be supplied to the building department with the homeowner’s signature.

So the big question is when! The target date for the work group to finalize the program is this fall. Then the commission moves to set into the code at by year’s end. We do not know what this new method will look like yet or what restrictions will evolve.

If things continue as they have been we should have an alternative method in the code next year. It will be good to see some innovation in the industry again and I am sure we will!
During a conference in California, held by Jay Abraham (www.JayAbraham.com), he asked the audience of business owners, “How many ways are there to increase sales?” His answer, “There are only three ways to increase your sale.”

1. Increase the number of customers.
2. Increase the frequency of the purchase
3. Increase the number of products or services sold.

For the past 10 years I have worked hard to bring the three attributes into our business. I figured out fairly quickly that all I had to do is really work hard on number two and three and number one would take care of its self.

We all have a past client list...right? This, I found out, is where the real gold is. Let’s face it, you have already done work for the client before, so going back and asking for more work should be a no-brainer! Plus you can make more money from an existing client. Also they’ve shown their trust in you, so an additional bid can be solicited. The cost of working with existing clients is much less also.

Number three was the real eye opener. When the economy took a dive, if you were a company that only sold one product or service, you were screwed right?

Jay also taught about building “Profit Pillars” into your business. So, if you’re in the pool cage business, here are some ways to add profit to you bottom line.

1. Stainless Steel Fasteners
2. Super Screen or 20/20
3. Felt strip Z bars
4. Designer Screen Doors
5. Create a Screen Scene

So, when no one in your market area is selling up grades, why not be the first to profit from it?

No matter what product or service you sell there are always upgrades and up-sells that you can leverage to make maximum profits.

Let’s go one step further into the “Profit Pillars” because of the example above you’re still just selling pool cages right?

1. Profit Pillar Ideas
2. Pool Deck Pavers
3. Pool Deck Coatings
4. Nebula Lighting
5. Outdoor Kitchens
6. Pool Furniture

Now think of your past client list you already have and think how you can offer these additional products or services to them?

I hope this opens your mind to the endless possibilities you have sitting right in front of you.
We’ve Got What You Need

When your customer is looking for exterior building products, look no further than Town & Country Industries. With our broad product line you’re bound to find something you need.

• Gutter & Gutter Accessories
• Full Line of Hurricane Protection Products
• Pool & Patio Screen Products
• Impact & Non-Impact Windows
• Fiberglass Entry Doors
• Aluminum Coils
• Aluminum Extrusions & Sheets
• Stainless Steel Extrusions & Sheets

Town & Country is committed to helping grow your business! Allow our broad product line and business development staff to make your business more profitable. Take advantage of our services offered:

• Sales Support Staff- product assistance
• Marketing Department- company branding
• Strategic Sales Analyst- sales tactics

Helping Your Business Grow Since 1957

Phone: (954) 691-2350 • Email: tcalumemails@gmail.com

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A Division of ABC Supply Co., Inc.
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Ft. Lauderdale, FL 33309

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PGT Industries
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www.pgtindustries.com

More Supplier Members on page 20...
(1) This purpose of this rule is to provide an alternate method for designing screen enclosures as defined by the Florida Building Code permitting the loads of the structural frame to be based on portions of the screen in the screen walls removed.

**XX-X.002 Design Requirements.**

(1) Engineering criteria shall conform to the following.

a. Screen enclosure frames designed in accordance with the screen removal alternates of this rule, shall be designed using signed and sealed site-specific engineering and shall be designed in accordance with the wind load provisions of the Florida Building Code, Section 1609.1.1.

b. Designs shall comply with Florida Building Code, Building, Section 2002.4 and Table 2002.4 using the 110 mph column and as modified by Table 2002.4A.

c. Designs using strength design or load and resistance factor design in accordance with the Florida Building Code, Building Section 1605.2, or allowable stress design methods of the Florida Building Code, Building, Section 1605.3.1 shall be permitted.

d. The design shall be by rational analysis. In addition, 3D Finite Element Analysis may be used as an analytical method but is not required for the determination of forces and moments.

(2) Where screen enclosures are designed in accordance with the screen removal alternates of this rule, removable screen may consist of removable panels, retractable panels, or by designating specific screen panels in the design in which the screen is to be removed by cutting the screen. Removable panels shall be removed, retractable panels shall be placed in the retracted position, and screen designated in the design to be cut shall be cut shall be completely cut when wind speeds are forecast to exceed 75 mph.

(3) Where screen enclosures designed in accordance with the screen removal alternates of this rule serve as the barrier required by the Florida Building Code at Sections 424.2.17 and R4101.17.1, the required minimum height of the barrier shall be maintained when screen panels are retracted, removed, moved to the open position, or cut.

(4) Where screen enclosures are designed in accordance with the screen removal alternates of this rule, retractable screen panels, removable screen panels, and screen panels identified to be cut shall be clearly identified with highly visible permanent labels or by other means approved by the local building department.

(5) Where screen enclosures are designed in accordance with the screen removal alternates of this rule, the retraction of screen panels, removal of screen panels, or cutting of screen panels shall not require the use of ladders or scaffolding.

(6) Engineering documents submitted with building permit applications shall identify the panels to be removed, retracted, opened, or cut.

(7) Actual wall thickness of extruded structural aluminum members shall be not less than 0.040 inch (1mm).

(8) Where screen enclosures are designed in accordance with the screen removal alternates of this rule based on removing screen panels by cutting the screen, the contractor shall provide replacement screen for a one-time replacement of all screen and spline designated by the design to be cut.

(9) Where screen enclosures are designed in accordance with the screen removal alternates of this rule, the contractor shall provide notice to the homeowner and the local building code enforcement department that the homeowner must retract, remove, or cut a panel or panels of the screen enclosure in accordance with the project engineering design or the manufacturer’s instructions when wind speeds are expected to exceed 75 mph.

The Workgroup members were requested to review the proposed rule and provide comment to the Commission staff. The next meeting of the Workgroup will be a conference call scheduled for May 16, 2012.
Energy Code Issue. For members working in the replacement window market, the Florida Building Code, Energy Conservation, is creating a major issue. In short, the consultant believes the adoption of the International Energy Conservation Code (IECC) has created some unintended conflicts within the code and between the code and Florida Statute. Conflicts exist in the code regarding when replacement windows in existing buildings are required to meet the new construction requirements of the code for energy. Florida Statute, since 1978, has defined renovations as they relate to energy requirements as, among other items, renovation of the building envelope within a twelve month period which exceeds thirty-percent of the assessed value of the structure. Traditionally, window replacement falls under the threshold of the definition for renovations contained in Florida Statute and the current and previous editions of the code. As such, strict compliance with the energy provisions of the code when replacing windows is not required.

The new energy provisions of the Florida Building Code, Energy Conservation (FBC-EC) adopt the International Energy Conservation Code, 2009, as the base code in response to a legislative mandate. Consequently, we are now faced with a provision requiring all replacement fenestration to comply with the energy provisions of the code (FBCEC §402.3.6). The consultant contends the provisions of the code are in conflict with statute as code cannot contravene the provisions of statute. The statutory provisions are incorporated in Table 101.4.1 of the code which dictates when the code applies to existing buildings. The consultant contends the thirty-percent rule applies to a window replacement project if the project is strictly window replacement or window replacement and other work...
on the building envelope provided the total cost does not exceed thirty percent of the assessed value of the structure. Should replacement of windows be part of other renovations totaling more than thirty-percent of the assessed value of the structure, compliance would be required.

After discussion with the Commission staff and the AAF President the consultant requested a Declaratory Statement from the Florida Building Commission to resolve this issue. The Commission staff requested an amendment to the request to include a manufacturer with a product affected by the code provisions. AWP Windows and Doors, Inc. agreed to be a party to the Petition for Declaratory Statement. (See Petition for Declaratory Statement below.) The Energy TAC discussed the issue during a conference call on March 26, 2012. A document submitted by a group opposing the application of the thirty-percent rule to window and glass door replacements was not received by staff due to improper email addresses for staff posted on the web. The Energy TAC heard the arguments of the group and responded favorably with a unanimous vote to the four questions asked in the declaratory statement request. The Commission conducted the first hearing on the Declaratory Statement at the April 3, 2012, meeting. Based on the opposition document not reaching the Energy TAC prior to the conference call meeting, the Commission deferred ruling on the issues and referred the matter back to the Energy TAC for further discussion. The Energy TAC will meet at Daytona Beach on June 11, 2012, and formulate a recommendation for the Commission to rule on during the June 12, 2012, meeting.

Petition for Declaratory Statement:

JDB CODE SERVICES, INC.

Date: April 17, 2012

To: Paula Ford, Clerk of the Commission
Florida State Department of Business and Professional Regulation
Mo Madani, Florida State Department of Business and Professional Regulation

From: Joe Belcher, Code Consultant, Representing AWP Windows and Doors, LLC and Aluminum Association of Florida

Subject: Request to amend Petition for Declaratory Statement before the Florida Building Commission RE: Chapter 553.902, 553.903, and 553.906, and Florida Building Code, Energy Conservation, 2010 with Supplements, Sections 101.4, 101.4.1, Table 101.4.1, and Section 402.3.6

Please consider this a request to amend the Declaratory Statement on the application of Florida Statute and the Florida Building Code, Energy Conservation, 2010, as they relate to replacement fenestration dated March 2, 2012.

AWP Windows and Doors, LLC, is a manufacturer with a product line that will be adversely affected by the application of new code provisions for replacement windows within a twelve month period that do not constitute a renovation as defined by the code and Florida Statute. The Aluminum Association of Florida (AAF) is an organization of contractors specializing in the construction of aluminum structures. AAF has standing in this issue as a substantially affected party because a number of AAF members sell and replace fenestration.

AWP Windows and doors reports the application of the new provisions for all window replacements not simply to those meeting the statutory or code definition of “renovation” will have a severe chilling effect on the industry. Estimated costs for compliance are estimated at more than 50% increase per unit. For example, the cost for a homeowner wishing to upgrade from inefficient ja-

Continued on next page...
lousie windows to new more efficient windows currently is approximately $115.00 to $127.00 per unit; the cost will increase to $275.00 to $350.00 per unit to comply with the 2010 Florida Building Code, Energy Conservation, requirements for new construction. In addition, simply upgrading fenestration products does not guarantee increased energy efficiency due to the interaction of the building and its systems. Reportedly, window upgrades have negatively affected the ability of existing HVAC systems to adequately remove moisture from the building atmosphere. AWP Windows and Doors and AAF believe relief from this burden on the citizens of Florida was the intent of the Legislature when adopting the 30% renovation rule in 1978 and the reason it has been maintained in statute.

**Discussion:** AWP Windows and Doors and AAF believe there are conflicts between Florida Statute and the 2010 Florida Building Code, Energy Conservation, and conflicts within the 2010 Florida Building Code, Energy Conservation (FBCEC hereinafter). Further, we believe the adoption of Section 402.3.6 of the FBCEC has the unintended consequence of contravening statutory provisions.

Florida Statute specifically defines the term renovated building to include the alteration of exterior envelope conditions. Clearly, windows fall under this definition.

Chapter 553.902, Florida Statutes. Definitions.

(3) “Renovated building” means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure. *(Emphasis provided.)*

Further, Florida Statute specifically addresses thermal efficiency standards for renovated buildings.

Chapter 553.906, Florida Statutes. **Thermal efficiency standards for renovated buildings.**—Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation; windows; infiltration; HVAC, service water heating, energy distribution, lighting, energy managing and auxiliary systems design and equipment selection and performance. **Such buildings shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.**(Emphasis provided.)

The FBCEC specifically provides for the proper application of the code to existing buildings in Chapter 1, Administration, by stating existing buildings shall meet criteria of Table 101.4.1. According to Note d to Table 101.4.1 the code does not apply to renovations with an estimated cost, equal to or less than, 30 percent of the assessed value of the structure. AWP Windows and Doors and AAF believe Note d to Table 101.4.1 and the definition of renovation contained in the code are intended to incorporate provisions related to construction contained in Florida Statute into the Florida Building Code.
TABLE 101.4.1  
NONEXEMPT EXISTING BUILDINGS*  

<table>
<thead>
<tr>
<th>Date-Related</th>
<th>Permitted before March 1979</th>
<th>Permitted after March 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not previously conditioned</td>
<td>Minimum efficiency levels shall be met for components being changed: Envelope: Section 402 or 502 Equipment: Section 403 or 503, 504 Lighting: Section 404 or 505</td>
<td>Considered an addition, meet current code</td>
</tr>
<tr>
<td>Occupancy type change</td>
<td>Minimum efficiency levels shall be met for components being changed. Envelope: Section 402 or 502 Equipment: Section 403 or 503, 504 Lighting: Section 404 or 505</td>
<td>Meet current code</td>
</tr>
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<td><strong>Renovation</strong></td>
<td>Minimum code envelope, equipment and lighting efficiency levels shall be met for components being changed. Envelope: Section 402 or 502 Equipment: Section 403 or 503, 504 Lighting: Section 404 or 505</td>
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<td>New building systems (HVAC, service hot water or pool heating, lighting, motors)</td>
<td>New products installed or replaced in existing buildings shall meet the minimum efficiency allowed for that system. Equipment: Section 403 or 503, 504 Lighting: Section 404 or 505 HVAC indoor and outdoor units ≤ 65,000 Btu/hr that are not designed to operate together shall be matched. HVAC equipment sizing is required per Section 403 or 503.</td>
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* An existing building or portion thereof shall not be altered such that the building becomes less energy efficient than its existing condition.

** Minimum equipment efficiencies shall be met only when equipment is installed to specifically serve the addition or is being installed in conjunction with the construction of the addition.

*** If an existing building is unable to meet one or more current prescriptive code minimum requirements, it may be exempt from those minimum requirements if the entire building is brought into compliance by Section 405 or Section 506, as applicable.

**** Buildings undergoing alteration that vary or change insulation, HVAC systems, water heating systems, or exterior envelope provided that the estimated cost exceeds 30 percent of the assessed value of the structure (see Ch. 2, Definitions).  

(Emphasis provided.)

RENOVATION. Any structural repair, reconstruction or restoration to a structure, the costs of which equals or exceeds, over a 1-year period, a cumulative total of 30 percent of the assessed value of the structure when that value is assessed, either:

1. Before the improvement or repair is started; or
2. Before the damage occurred, if the structure has been damaged.

For the purposes of this Code, renovation occurs when the first alteration of any wall, ceiling, floor, or other structural part or mechanical system of the building commences, whether or not that alteration affects the external dimensions of the structure. (FBCEC Chapter 2 - Definitions)
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There is clearly a conflict between Section 101.4.1, Table 101.4.1, which requires compliance when the cost of replacement windows exceeds 30 percent of the assessed value of the structure and Section 402.3.6, which requires all replacement fenestration to comply with the 2010 FBCEC provisions.

402.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for $U$-factor and SHGC in Table 402.1.1.

It has been opined that the conflict within the code between Section 101.4.1, Table 101.4.1 and Section 402.3.6 is addressed by Section 101.4, which states:

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

However, while this may be applicable for code provisions, it is our understanding the code cannot change or contravene Florida Statute. We further understand that Note d to Table 101.4.1 is intended to incorporate the statutory provisions previously cited (Ch.553.902, F.S.) Accordingly, we believe Section 102.1 is not applicable in this instance.

AWP Windows and Doors and AAF agree that should the cost of replacing windows within a twelve month period exceed thirty percent of the assessed value of the structure; or should window replacement be part of other renovations exceeding thirty percent of the assessed value of the structure, then FBCEC Section 402.3.6 is applicable. In the case of window replacement within a twelve month period that does not exceed thirty percent of the assessed value of the structure, AWP Windows and Doors and AAF believe the provisions of Table 101.4.1 Note d apply, and the replacement windows are not required to meet the new code requirements. It is understood the replacement windows would meet design criteria and would not reduce the existing energy efficiency of the building.

Accordingly AWP Windows and Doors and AAF ask the Florida Building Commission to issue a Declaratory Statement on the following:

1. Regarding replacement fenestration, are replacement of windows or doors required to meet the provisions of the FBCEC at Section 402.3.6 where the windows or doors replaced within a twelve month period do not meet the code definition of renovation?
2. Regarding replacement fenestration, are replacement of windows or doors required to meet the provisions of the FBCEC at Section 402.3.6 where the windows or doors replaced within a twelve month period do not meet the statutory definition of renovation?
3. Is Note d to Table 101.4.1 intended to codify Chapter 553.902 Florida Statute?
4. Regarding the conflict between Sections 101.4.1 and 402.3.6, does 101.4.1 prevail since it reflects statutory requirements?

Should there be any questions, you need further information, or you wish to discuss this request, please do not hesitate to contact me at your earliest convenience.

Continued on next page...
Respectfully yours,

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cc: Dennis Chappell, AWP Windows and Doors, LLC
    David Johns, President, AAF

Hurricane Protection.
The following information is included for members with and interest in the hurricane protection side of the industry. Two issues related to the testing standard (ASTM E 1996) and the codes for hurricane resistant products are brewing.

ASTM 1996 Issue – Update. The Commission received the go-ahead from the Governor’s Office to proceed with rule development has approved the scheduling of a Teleconference Rule Development Workshop to modify the Product Approval Rule to establish the equivalency of ASTM E 1996-05.

Background. A code change was submitted that deleted the 2005 Edition of ASTM E 1996 as a referenced standard. It was determined by IHPA that the action could have a drastic impact on the industry unnecessarily costing thousands of dollars for product approval renewals to the newly referenced editions of the standard (2006 and 2009). Long story short IHPA worked with the fenestration industry and Commission staff and formally requested a change to Rule 9N-3 FAC to declare the 2005 Edition equivalent to the 2002 and 2006 Editions. The Structural TAC met in conference call on January 5 and recommends approval of the request with exception to the mullion provisions of ASTM E 1996-06 to the Product Approval POC for a recommendation to the Commission. Approval by the Commission will mean products tested to the 2002 or 2005 Edition are acceptable once the change to the rule is approved. During the period between the filing of the rule change and the implementation of the code, products tested to the 2005 Edition will require approval at the local level. In similar situations in the past where an item has been approved by the Commission, but must await completion of the rule change process, local jurisdictions have accepted the approval by the Commission.

The Structural TAC met on January 5, 2012, via conference call to discuss the issues raised by IHPA regarding the failure to maintain ASTM E 1996-05 as an acceptable test standard. The minutes of the TAC meeting follows:

“Structural TAC members present: Jim Schock, Chairman, Craig Parrino, Steve Strawn, Jack Glenn, Rusty Carroll, Dan Lavrich, Do Kim, Jaime Gascon, and Nicholas Nicholson.

1. Called to Order - reviewed/approved agenda as submitted and the previous meetings minutes were approved.

2. On the issue presented of “ASTM E 1996-05 is equivalent to 1996-02 and for impact devices is equivalent to 1996-06”,

Continued on page...
the TAC heard from both the Petitioner and staff regarding the issue of concern and took the following action:

**TAC Action #1:** The Committee unanimously recommended that “ASTM E 1996-05 is equivalent to ASTM E 1996-02.”

**TAC Action #2:** The Committee unanimously recommended that “ASTM E 1996-05 is equivalent to ASTM E 1996-06 with respect to protective devices, with the exclusion of Mullions.”

3. Under Public Comment, an issue arose regarding the code development process and it was reminded that the 2013 Florida Building Code process is going to be dramatically different.

The Product Approval POC met subsequently and recommended adoption of the Structural TAC recommendations to the full Commission. The Florida Building Commission met on January 31, 2012, and voted unanimously to adopt the recommendations of the Structural TAC related to the equivalency of the ASTM 1996 Editions. Rulemaking will be opened to formally accept the equivalency of the standards. Permission to initiate rulemaking is being sought from the Office of the Governor.

**ASTM E 1996 Wind Zone 4 Issue.** With the adoption of ASCE 7-2010 in the 2010 code another seemingly unintended consequence has arisen with a serious impact on the hurricane protection side of the industry; expansion of Wind Zone 4 requirements. The ASTM E 1996 Standard first established Wind Zone 4 in the 2002 Edition of ASTM E 1996-02. The consultant understands the establishment of the zone was an effort to include provisions which were acceptable to Miami-Dade County. The intent was to encourage the HVHZ to use the ASTM Standard in lieu of TAS 201 and 203. At the time of adoption Wind Zone 4 would apply where wind speeds were greater than 140 mph and was intended to apply solely to Miami-Dade County and part of Monroe County.

In an effort to correlate the Florida Building Code, ASTM E 1996, and ASCE 7-10 a code change was submitted to the Florida Building Code adjusting the wind speeds for the wind zones in the ASTM standard upward. Unfortunately, the Wind Zone 4 wind speed was not adjusted to correlate the documents and appropriately apply the zone to Miami-Dade and Monroe Counties only. The end result of the change is to require the application of the Miami-Dade deflection criteria for impact resistant coverings and systems to areas outside Miami-Dade County. (i.e. Lee, Collier, Broward, Palm Beach, Martin, and St. Lucie Counties)

2010 FBCB (Same provisions in FBC-R at § R301.2.1.2.1)

1609.1.2.4 Modifications to ASTM E 1996. Section 6.2.2 of ASTM E 1996 shall be modified as follows:

6.2.2 Unless otherwise specified, select the wind zone based on the basic wind speed as follows:

6.2.2.1 Wind Zone 1 - 130 mph ≤ basic wind speed < 140 mph, and Hawaii.

6.2.2.2 Wind Zone 2 - 140 mph ≤ basic wind speed < 150 mph at greater than 1.6 km (one mile) from the coastline. The coastline shall be measured from the mean high water mark.

6.2.2.3 Wind Zone 3 - 150 mph (58 m/s) ≤ basic wind speed ≤ 160 mph (63 m/s), or 140 mph (54 m/s) ≤ basic wind speed ≤ 160 mph (63 m/s) and within 1.6 km (one mile) of the coastline. The coastline shall be measured from the mean high water mark.

6.2.2.4 Wind Zone 4 - basic wind speed > 160 mph (63 m/s).

The code consultant has discussed the ramifications of the change with the proponent of the modifications to adopt ASCE 7-10 and he has indicated there was no intent to expand Wind Zone 4 to cover other portions of the state and will provide a letter to that effect. The code consultant has also discussed the issue with the Commission staff and staff is sympathetic to the problems created. To address the issue the code consultant will file a Petition for Declaratory Statement seeking to change Wind Zone 4 to wind speeds greater than 170 mph. More to come on this issue.

Continued on next page...
**MARK YOUR CALENDAR - FUTURE AAF MEETINGS**

**Saturday, May 5, 2012**  
River Ranch Resort - Lake Wales

**Thursday, August 2, 2012**  
Executive Committee Conference Call

**Saturday, August 18, 2012**  
Helmsley Sandcastle Hotel - Sarasota

**Thursday, October 25, 2012**  
Executive Committee Conference Call

**Saturday, November 10, 2012**  
Mystic Dunes - Celebration

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The deadline for the next issue is June 15, 2012.