LAW OFFICES

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September 12, 2005

Ms. Paula Ford Florida Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, FL 32399

Re:

**Declaratory Statement** 

Dear Ms. Ford:

I am submitting a Petition for a Declaratory Statement regarding the Department's interpretation of a provision of the Florida Building Code on behalf of the Okeechobee County Board of County Commissioners, County Administrator George Long and Building Official Arnold Verwey. The resolution of the question being submitted in the attached Petition will resolve a difference of opinion between the above referenced Building Official and Homes by Jolicoeur, Inc.

Sincerely,

Thomas J. Baird

Enclosure

CC:

George Long, County Administrator Arnold Verwey, Building Official Bruce Kaleita, Esquire

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated

Clerk, respipt of which is hereby acknowledged.

Paula P. Ford Commission Clerk

Date

UCAOS - DEC - 173
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby

acknowledged.

Paula P. Ford

## PETITION FOR DECLARATORY STATEMENT OF CHARK BEFORE THE DEPARTMENT OF COMMUNITY AFFAIRS

 The Petitioners are the Building Official of Okeechobee County and Homes By Jolicoeur, Inc.

2. Petitioners addresses and telephone numbers are:

Mr. Arnold Verwey, Building Official 499 NW 5<sup>th</sup> Avenue Okeechobee, FL 34972 c/o Thomas Baird, Esquire 11891 US Hwy. 1, Suite 105 North Palm Beach, FL 33408 561-625-4400 - Phone 561-625-0610 - Facsimile Homes by Jolicoeur, Inc. 2044 SW 19<sup>th</sup> Lane Okeechobee, FL c/o Bruce G. Kaleita, Esquire 1615 Forum Place, Suite 500 West Palm Beach, FL 33401 561-688-9210 - Phone 561-688-9447 - Facsimile

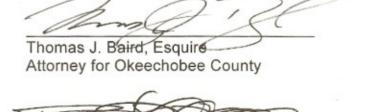
- 3. The Petitioners disagree as to whether "7/16 inch oriented strand board" which is being applied over the exterior walls of manufactured buildings before the siding is placed on the buildings at the factory, is an exception to the requirement of a moisture barrier on exterior walls of manufactured buildings, under Section 2303.3(A) of the Florida Building Code, 2003 Edition. The interpretation of this statutory exception substantially affects the Petitioners because the County must determine whether the use of 7/16" oriented strand board sheathing in manufactured buildings being erected at multiple sites throughout the County exempts these structures from the provisions of Sec. 2303.3, FBC.
- 4. The Petitioners seek a declaratory statement as to the interpretation of Section 23.3.3 of the Florida Building Code, specifically, Exception 4 of this section. The question submitted is:

"Would a manufactured building made by All American Homes, and designed, signed and sealed by a professional engineer, whose plans are stamped as approved by the PFS Corporation, a license modular plans examiner, as an approved building entitled to be installed in Okeechobee County, Florida, and which bears the insignia of the Florida Department of Community Affairs pursuant to Chapter 533, Part I, Florida Statutes, and which utilizes "7/16 inch (11.1 mm) thick oriented strand board" directly underneath its exterior siding, comply with Section 2303.3, Exception 4, of the 2003 Florida Building Code, which reads as follows:"

"Over water-repellant sheathing including wood structural panels

complying with Tables 2308.1B and 2308.1D fiberboard not less than 7/16 inch (11.1 mm) thick, particleboard complying with ANSI A208.1 grades in Table 2308.1C, and gypsum not less than ½ inch (12.7 mm) thick."

Dated this 8th day of September, 2005.



Bruce G. Kaleita, Esquire

Attorney for Homes by Jolicoeur, Inc.