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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

DCA05-DEC-173  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.

*Paula P. Ford* 9/14/05  
Paula P. Ford Date  
Commission Clerk

UCA05-DEL-173  
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*Paula P. Ford* 9/14/05  
Paula P. Ford  
Commission Clerk Date

PETITION FOR DECLARATORY STATEMENT  
BEFORE THE DEPARTMENT OF COMMUNITY AFFAIRS

1. 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 8<sup>th</sup> day of September, 2005.



Thomas J. Baird, Esquire  
Attorney for Okeechobee County



Bruce G. Kaleita, Esquire  
Attorney for Homes by Jolicoeur, Inc.