

8/4/08

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

Arroyo Enterprises, Inc.

Case #: DCA08-DEC-086

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Ruben Fabian Arroyo of Arroyo Enterprises, Inc. (Petitioner) which was received on March 17, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

**Findings of Fact**

1. The petition is filed pursuant to, and must conform to the requirements of, Rule 28-105.002, Florida Administrative Code.
2. Petitioner constructs sunrooms in the State of Florida that are subject to the Florida Building Code [FBC]
3. Petitioner proposes to build a sunroom in Martin County, Florida, designed as a partially enclosed structure.
4. Petitioner inquires what standards apply to the addition of a sunroom to an existing single family home of less than three stories. Petitioner also inquires whether a glass sunroom not constructed under an existing roof can be built as partially enclosed and whether section R 301.2.1.2, FBC, Residential Volume (2007) exempts sunrooms from the requirement of shutter protection.

## Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the FBC by entering a declaratory statement.

2. Section R101.2, FBC, Residential Volume (2007) states:

Scope. The provisions of the Florida Building Code, Residential, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with a separate means of egress and their accessory structures. (emphasis added)

3. Section R 301.2.1.2, FBC, Residential Volume (2007) states:

Windows in buildings located in wind-borne debris regions shall have glazed openings protected from wind-borne debris. Glazed opening protection for wind-borne debris shall meet the requirements of the Large Missile Test of an approved impact resisting standard or ASTM E 1996 and ASTM E 1886, SSTD 12, ANSI/DASMA 115 (for garage doors) or TAS 201, 202 and 203 or AAMA 506 referenced therein.

Openings in sunrooms, balconies or enclosed porches constructed under existing roofs or decks are not required to be protected provided the spaces are separated from the building interior by a wall and all openings in the separating wall area protected in accordance with this section. Such space shall be permitted to be designed as either partially enclosed or enclosed structures.

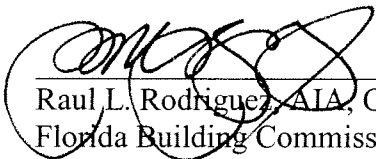
4. Section 1609.1.2, FBC, Building (2007) states:

Openings in Sunrooms, balconies, or enclosed porches constructed under existing roofs or decks are not required to be protected provided the spaces are separated from the building interior by a wall and all openings in the separating wall are protected in accordance with 1609.1.2. Such spaces shall be permitted to be designed as either partially enclosed or enclosed structures.

5. The Florida Building Code Residential volume applies to the addition of a sunroom to an existing single family home of less than three stories. Based on the foregoing standards a glass sunroom not constructed under an existing roof can be built as partially enclosed but would not be exempt from the requirement for wind-borne debris protection and will require shuttering.

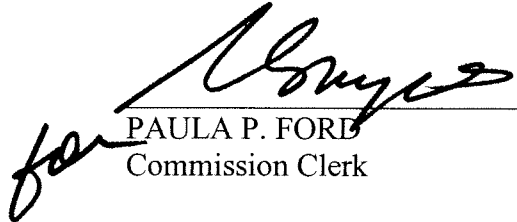
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 1st of August, 2008, in Coral Gables, Miami-Dade County, State of Florida.

  
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Raul L. Rodriguez, AIA, Chair  
Florida Building Commission  
Department of Community Affairs  
Sadowski Building  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent to the following by the method indicated on this 4th day of August, 2008.

  
\_\_\_\_\_  
PAULA P. FORB  
Commission Clerk

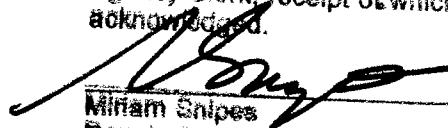
**Via U.S. Mail**

Ruben Fabian Arroyo  
Arroyo Enterprises, Inc.  
6704 South U.S. Highway 1  
Port St. Lucie, FL 34952

**Via Hand Delivery**

Mo Madani, C.B.O. Manager  
Codes and Standards Section  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**FILING AND ACKNOWLEDGEMENT**  
FILED, on this date, with the designated  
Agency Clerk, receipt of which is hereby  
acknowledged.

  
\_\_\_\_\_  
Miriam Snipes  
Deputy Agency Clerk

8/4/08  
Date