

8/4/08

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

Arroyo Enterprises, Inc.
Petitioner.

Case #: DCA08-DEC-108

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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 April 03, 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. The petitioner seeks a declaratory statement interpreting whether a glass sunroom with a glass roof is its own entity (structure) as defined in the FBC, if this sunroom can be built as partially enclosed, and if the sunroom must be shuttered if the existing openings of the attached single family home are shuttered or have impact glass. Petitioner also inquires whether a sunroom must be constructed under an existing roof or deck.

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 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.

3. Section 202, FBC, Residential Volume (2007), defines structure as, “That which is built or constructed.”

4. Section 202, FBC, Residential Volume (2007), defines sunroom as:

1. A room with roof panels that include sloped glazing that is a one-story structure added to an existing dwelling with an open or glazed area in excess of 40 percent of the gross area of the sunroom structure’s exterior walls and roof.
2. A one-story structure added to a dwelling with structural roof panels without sloped glazing. The sunroom walls may have any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65 percent of the area below 6 feet 8 inches of each wall, measured from the floor. For the purposes of this code the term “sunroom” as used herein shall include conservatories, sunspaces, solariums, and porch or patio covers or enclosures.

5. Section 301.2.1.1.2, FBC, Residential Volume (2007), provides:

Sunrooms. Sunrooms shall comply with AAMA/NPEA/NSA 2100 with the structural requirements and testing provisions of Chapter 5 modified to incorporate ASCE 7. Sunrooms shall be categorized in one of the following categories by the permit applicant, design professional or the property owner where the sunroom is being constructed.

Category I: A roof or a covering of an outdoor space. The openings shall be permitted to be enclosed with insect screening or 0.5 mm (20 mil) maximum thickness plastic film. The space is defined as nonhabitable and unconditioned.

Category II: A roof or a covering of an outdoor space with enclosed walls. The openings are permitted to be enclosed with translucent or transparent plastic or glass. The space is defined as nonhabitable and unconditioned.

Category III: A roof or a covering of an outdoor space with enclosed walls. The openings are permitted to be enclosed with translucent or transparent plastic or glass. The sunroom complies with additional requirements for forced-entry resistance, air-leakage resistance and water-penetration resistance. The space is defined as nonhabitable and unconditioned.

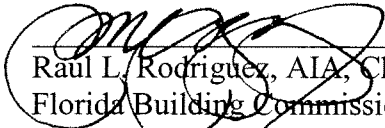
Category IV: A roof or a covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled by a separate temperature control or system, and is thermally isolated from the primary structure. The sunroom complies with additional requirements for forced-entry resistance, water penetration resistance, air-leakage resistance, and thermal performance. The space is defined as habitable and conditioned.

Category V: A roof or a covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled and is open to the main structure. The sunroom complies with additional requirements for forced-entry resistance, water-penetration resistance, air-leakage resistance, and thermal performance. The space is defined [sic] as habitable and conditioned.

6. The sunroom is a structure because it is built or constructed although the definition of structure does not use the language “its own entity”. A sunroom need not be constructed under an existing roof or deck to meet the definition of sunroom in the code however sunrooms not constructed under an existing roof must meet the wind-borne debris protection requirements of the code. This structure can be built partially enclosed but will require wind-borne debris protection regardless of the condition of the existing openings of the attached home because it is not being constructed under an existing roof. The code does not differentiate between habitable or non-habitable structures with regard to the requirement for wind-borne debris protection.

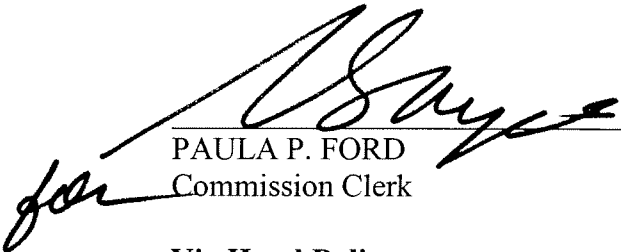
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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.


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 Aug, 2008.

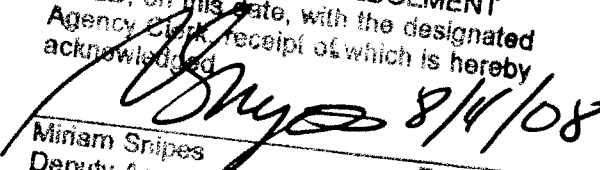

PAULA P. FORD
Commission Clerk

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

Minam Snipes
Deputy Agency Clerk
Date 8/14/08