

8/4/08

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

Vintage Group, Inc.

Case #: DCA08-DEC-112

Petitioner.

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DECLARATORY STATEMENT

The Foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Lee Arsenault, SR. VP of Operations of the Vintage Group, Inc., (Petitioner) which was received on April 8, 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. The petitioner is a builder preparing to construct a single-family home subject to the requirements of the Florida Building Code [FBC].
3. The petitioner inquires (1) whether the section R 303.3, FBC, Residential Volume (2004 as amended 7/07) means "outside of the conditioned space" when it refers to "outside" and (2) whether terminating a bathroom exhaust vent into a vented attic meets the intent of the code.

Conclusions of Law

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

2. Section R303.3, FBC, Residential Volume, states:

Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279m²), one half of which must be openable. Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 20 cfm (9.4 L/S) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

4. Section R303.5, FBC, Residential Volume, reads as follows:

Outside opening protection. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles having a minimum opening size of ¼ inch (6.4 mm) and a maximum opening size of ½ inch (12.7 mm), in any dimension. Openings shall be protected against local weather conditions. Outdoor air exhaust and intake openings shall meet the provisions for exterior wall opening protectives in accordance with this code.

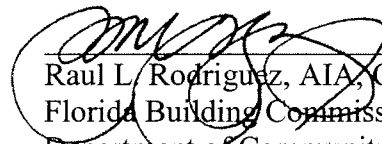
5. On the basis of the foregoing, the answer to each of the Petitioner's questions is **NO**. Section R. 303, FBC, Residential Volume means outside of the structure when it refers to "outside" and pointing, aiming or similarly directing an exhaust pipe or duct at an opening in the envelope of the building (that is, attic louver, grille, ridge vent, eave vent or soffit vent) in no way ensures that all or any of the exhaust will reach the "outside".

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.

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

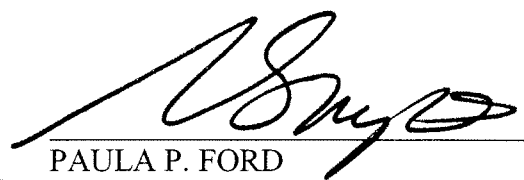

Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

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.

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


Miriam Snipes
Deputy Agency Clerk
Date 8/4/08


for
PAULA P. FORD
Commission Clerk

Via U.S. Mail

Lee Arsenault
SR. VP of Operations
The Vintage Group, Inc.
1300 County Road 210 West
Jacksonville, Fl 32259

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