

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

St. Johns County Building Department,

Case #: DCA08-DEC-194

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Dan Arlington of the St. Johns County, Florida, Building Department which was received on July 9, 2008, and subsequently amended on July 21 and July 25, 2008. Based on the statements in the petition, the amendments thereto, and the information 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 enforces the Florida Building Code within St. Johns County, Florida.
3. The Petitioner has been called upon to review plans submitted subject to the 2007 Florida Building Code, for a building located within a distance of 600 feet of inland body of water that presents a fetch of more than 1 mile.
4. The Petitioner inquires whether section 1609.4.3 (Exposure C) requires a 20% increase to loads along the entire continuous load path from the trusses to the foundation, or whether the increased load is specific to roof sheathing and roof-to-wall connection?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code and Rule 9B-72, Florida Administrative Code, by entering a declaratory statement.
2. Section 1609.4.3, Florida Building Code, Building Volume (2007) requires the following:
Buildings located within a distance of 600 feet of inland bodies of water that present a fetch of 1 mile (1.61 km) or more or inland waterways or rivers with a width of 1 mile (1.61 km) or more shall be classified as Exposure C and roof sheathing uplift and roof-to-wall uplift loads shall be increased by 20 percent.

3. Despite the requirements within sections 1604.2 and 1604.9, Florida Building Code, Building Volume (2007), that might be applied to require the 20% increase applied to the entire load path, the explicit language quoted above, consistent with the stated intent during the proceedings leading to its adoption, restrict the increased loads to components and cladding roof sheathing uplift and roof-to-wall uplift loads.

4. Based on the foregoing, the answer to the Petitioner's question is no; section 1609.4.3 does not require an increase the entire continuous uplift path by 20%.

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 _____ of _____, 2009, 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 _____ day of _____, 2009.

PAULA P. FORD
 Commission Clerk

Via U.S. Mail

Dan Arlington

Via Hand Delivery

Mo Madani, C.B.O. Manager

St. Johns County Building Department
Post Office Drawer 349
St. Augustine, Florida 32805

Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100