

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CONSTRUCTION SPECIALTIES, INC.,

Case #: DCA08-DEC-238

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from W. Vincent of Construction Specialties, Inc., which was received on August 11, 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 manufactures louvers which comprise an element of the building envelope for use in buildings constructed in accordance with the Florida Building Code.
3. The Petitioner has been contacted about a specific use of its louvers in nursing homes, hospitals and areas within schools designated as enhanced hurricane protection areas to be constructed in accordance with the Florida Building Code (2007).
4. The Petitioner asks several questions with regard to testing necessary to support the use of its product in these occupancies, specifically:

- (a) Whether the applicable large missile impact test uses a 9 pound 2" x 4" traveling at 50 feet per second plus the cyclic wind pressure testing;
- (b) Whether the louvers are required to be impact resistant if the area behind the louvers are designed as an open structure;
- (c) Whether louvers tested in accordance with the standards are only required below an elevation of 30 feet?
5. The Petitioner additionally asks whether "there is ever a requirement for the 2"x4" to impact at 80 feet per second?" This question is submitted without any supporting facts and circumstances.

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. Sections 419.4.2.5.1 [pertaining to hospitals] and 420.4.2.5.1 [pertaining to nursing homes], Florida Building Code, Building Volume (2007), require that:

All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements of the code and the debris impact requirements in Sections 1626.2 through 1626.4.
3. Section 1626.2, Florida Building Code, Building Volume (2007), provides requirements for the large missile impact testing and states:

1626.2.1 This test shall be conducted on three test specimens. This test shall be applicable to the construction units, assemblies and materials to be used up to and including 30 feet (9.1 m) in height in any and all structures.

1626.2.2 The test specimens shall consist of the entire assembled unit, including frame and anchorage as supplied by the manufacturer for installation in the building, or as set forth in a referenced specification, if applicable. Fasteners used in mounting the test specimen shall be identical in size and spacing to what is used in field installations.

1626.2.3 The large missile shall be comprised of a piece of timber having nominal dimensions of 2 inches by 4 inches (51 mm by 102 mm) weighing 9 pounds (4.1 kg).

1626.2.4 The large missile shall impact the surface of each test specimen at a speed of 50 feet per second (15.2 m/s).

1626.2.6 In the case of glazing, if the three test specimens that comprise a test successfully reject the two missile impacts, they shall then be subjected to the cyclic pressure loading defined in Table 1626.

4. Section 423.25.4, Florida Building Code, Building Volume (2007), pertaining to public schools requires that

At a minimum, EHPAs shall be designed for wind loads in accordance with ASCE 7, Minimum Design Loads for Buildings and Other Structures, Category III (Essential Buildings). Openings shall withstand the impact of wind-borne debris missiles in accordance with the impact and cyclic loading criteria per SBC/SSTD 12.

5. SSTD 12 is a design standard that contains the testing criteria applicable to EHPAs within public schools. The criteria vary depending on the design windspeed. Louvers are specifically excepted from the requirement for cyclic loading.


6. Based on the foregoing, with regard to nursing homes and hospitals, large missile impact test to be used is from a 9 pound 2x4 traveling at 50 feet per second, however the cyclic wind pressure test is not required for louvers; this test is applicable to all louvers **at 30 feet and below**; and impact resistance is required because the space is always required to be designed as enclosed.

7. Based on the foregoing, with regard to EHPAs within public schools, missile impact test must be performed in accordance to SSTD 12 however the cyclic wind pressure test is not required for louvers; this test is required for louvers regardless of height; and impact resistance is required because the space is always required to be designed as enclosed.

8. The question about whether particular testing conditions are ever required is speculative and too general for response via declaratory statement.

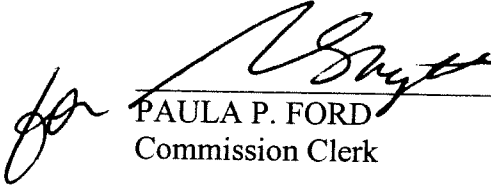
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 6 of January, 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 8th day of Jan, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

W. Vincent
Construction Specialties, Inc.
49 Meeker Avenue
Cranford, New Jersey 07018

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