



DCA09-DEC-062

ST. JOHNS COUNTY, FLORIDA  
Board of County Commissioners

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St. Augustine, FL 32084

Email

February 25, 2009

Florida Building Commission  
Paula P. Ford, Clerk of the Commission  
Sadowisk Building  
2555 Shumard Oak Boulevard  
Tallahassee, Florida, 32399-2100

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

*[Signature]* 2/27/09  
Miriam Snipes Date  
Deputy Agency Clerk

Re: Petition for Declaratory Statement before the Florida Building Commission

St. Johns County Building Department  
Dan Arlington, Plans Examiner, PX-2438  
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To Whom It May Concern:

We are requesting this DEC Statement in preparation for reviewing plans under the 2007 Florida Building Code. This question is important to us because this situation is very common in our county. We will appreciate your consideration of this issue.

**Document 1)** 2009 Supplement to the 2007 Florida Building Code:

**Section 105.15, add text to read as follows:**

105.15 When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a building that is located in the wind borne debris region as defined in the Florida Building Code and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more.

Opening protections as required within the Florida Building Code, Building or Florida Building Code, Residential for new construction shall be provided.

**Document 2)** Rule 9B-3.0475:

Rule 9B-3.0475

**HURRICANE MITIGATION RETROFITS FOR  
EXISTING SITE-BUILT SINGLE FAMILY RESIDENTIAL STRUCTURES**

**101 Retrofits Required.** Pursuant to Section 553.844, Florida Statutes, strengthening of existing site-built single family residential structures to resist hurricanes shall be provided. Site-built single family residential structures shall mean site built single family detached residential structures.

101.1 (Not applicable) (See 101.3)

101.2 (Not applicable)

101.3 When any activity requiring a building permit that is applied for on or after July 1, 2008,

and for which the estimated cost is \$50,000 or more for a building that is located in the wind borne debris region as defined in s. 1609.2 of the Florida Building Code, Building and

that has an insured value of \$750,000 or more, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for

purposes of ad valorem of \$750,000 or more:

(a) Opening protections as required within the Florida Building Code, Building or Florida

Building Code, Residential for new construction shall be provided.

101.4 (Not applicable)

**Document 3)** Florida Statute 553.844

**553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—**

(1) The Legislature finds that: (Not applicable)

(2) The Florida Building Commission shall:

(a) (Not applicable)

(b) Develop and adopt within the Florida Building Code a means to incorporate recognized mitigation techniques for site-built, single-family residential structures constructed before the implementation of the Florida Building Code, including, but not limited to:

(3) The Legislature finds that the integration of these specifically identified mitigation measures is critical to addressing the serious problem facing the state from damage caused by windstorms and that delay in the adoption and implementation constitutes a threat to the health, safety, and welfare of the

state. Accordingly, the Florida Building Commission shall develop and adopt these measures by October 1, 2007, by rule separate from the Florida Building Code, which take immediate effect and shall incorporate such requirements into the next edition of the Florida Building Code. **Such rules shall require or otherwise clarify that for site-built, single-family residential structures:**

(a) A roof replacement must incorporate the techniques specified in subparagraphs (2)(b)2. and 4.

(b) For a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of \$300,000 or more or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$300,000 or more, a roof replacement must incorporate the techniques specified in subparagraph (2)(b)3.

(c) Any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more, must include provision of opening protections as required within the Florida Building Code for new construction for a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more.

**Highlighted language, above, is relevant to questions 1 and 2.**

**Statements:**

1. The new Code FBC Section 105.15 (**Document 1**) refers to “buildings” without reference to commercial or residential.
2. The language of Section 105.15 apparently comes from Rule 9B-3.0475 (**Document 2**) and Florida Statute 553.844 (**Document 3**). Both Rule 9B-3.0475 and Florida Statute 553.844 specifically refer to “Site-built, single family residential structures”
3. It appears that the original intent of Florida Statute 553.844 was not incorporated into the Florida Building Code when sub-paragraph 3(c) was added to the Florida Building Code without the background information from previous paragraphs.
4. Florida Statute 553.844 further specifies that the rule should apply to site-built single family residential structures constructed before the implementation of the Florida Building Code.
5. Until July 1, 2007, Partially Enclosed Engineering was recognized as an approved alternative to opening protections.

**Questions:**

1. Is it the intent of the new FBC Section 105.15 that it apply to only site-built single family residential structures, or all buildings?

2. Is it the intent of the new FBC Section 105.15 to require opening protections for buildings built before July 1, 2007 using Partially Enclosed Engineering as an alternative to opening protections?

Respectfully submitted,

Dan Arlington  
St. Johns County Building Department