

11/24/09

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

SEA SHUTTERS INC.,

Case #: DCA09-DEC-254

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Mike Harris of Sea Shutters Inc., which was received as finally amended on July 15, 2009. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, 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 shutters for installation in projects throughout the State that are subject to the requirements of the Florida Building Code.
3. Specifically, the Petitioner's products include porous and nonporous systems that are subject to testing in accordance with ASTM E-1996 – 05, and are tested independently of the fenestration assembly.
4. The Petitioner asks for clarification for a Declaratory Statement previously issued by the Commission in case number DCA08-DEC-002 and specifically whether:

(a). Petitioner's non-porous impact protective system in Wind Zone 1, 2 or 3 which is not on an essential facility be installed in a manner which would allow glazing contact resulting in breakage?

(b). Petitioner's non-porous impact protective system in Wind Zone 1, 2 or 3 which are not on an essential facility be installed over an opening or window regardless of its design pressure rating?

(c). Petitioner's porous impact protective system in any Wind Zone be installed in a manner which would allow glazing contact resulting in breakage?

(d). Petitioner's porous impact protective system in any Wind Zone be installed over opening of window regardless of its design pressure rating??

Conclusions of Law

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

2. In case number DCA08-DEC-002, the Commission considered a non-porous shutter system and concluded in pertinent part that:

[t]he Code requires that shutters prevent internal pressurization of a building. Separation of storm shutters from protective glazing should be calculated to avoid internal pressurization. . . . [S]hutters may be designed in such a manner that permit glass breakage whether or not the shutter seals the opening created, as long as the opening is not sufficient to permit pressurization of the building. The same standards apply to section R301.2.1.2, FBC Residential, although section R4410.4.7, FBC, Residential, specific to the HVHZ, prescribes criteria for glass breakage that must be followed in that region of the state.

3. Section 1609.1.2, Florida Building Code, Building Volume (2007 as amended 10/01/09) requires that glazing in buildings located in the wind-borne debris regions be

impact resistant or protected, meaning that buildings are required to be designed as enclosed and not subject to internal pressurization.

4. In accordance with ASTM E-1996-05, a porous impact protective system by definition has an open area that exceeds 10% of its projected surface area.

5. ASCE 7-05 defines openings as holes in the building envelope that allow air to flow through the building envelope and include openings that are likely to be breached during high winds.

6. Allowing porous protective system to break the glazing will result in creating an opening "see above for definition of porous protective system" in buildings causing internal pressurization and render buildings to be "Partially enclosed".

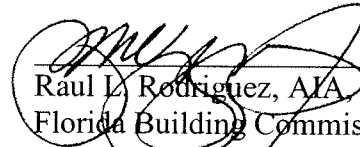
7. Based on the foregoing, consistent with the ruling in DCA08-DEC-002, non-porous shutter systems can be designed to permit glass breakage provided that the resulting opening is not sufficient to allow internal pressurization of the building. Porous shutter systems, however, are not permitted to be designed to permit glass breakage.

8. With regard to installation of either porous or non-porous shutters and its relation to the design pressure rating of the underlying window, either installation must be in accordance with the limitations of use of the product as demonstrated using the applicable testing standard referenced in the Code. The Commission would require more specific information for a more definitive answer of those questions.

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 19 of November, 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 24th day of Nov, 2009.



PAULA P. FORD
Commission Clerk

Via U.S. Mail

Mike Harris
Sea Shutters Inc.
1940 South Highway 71
Marianna, Florida 32448

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