



STATE OF FLORIDA
**DEPARTMENT OF COMMUNITY
AFFAIRS**

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

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Dear Building Official:

I'm sure most of you know the Legislature recently passed a law in special session that makes changes to the Florida Building Code hurricane protection requirements. This letter provides information on some of the issues involved in implementation of the law.

Section 9 of the bill directs that, upon the effective date of the bill, local governments are to "require wind-borne-debris protection in accordance with s. 1609.1, International Building Code (2006) and the International Residential Code (2006) within the "wind-borne-debris region" as that term is defined in s. 1609.2, International Building Code (2006), and s. R301.2, International Residential Code (2006)." The bill took effect on January 25, 2007. If you have any questions concerning when these requirements should be enforced, you should consult with you local government's attorney.

One substantial issue has been raised concerning enforcing these provisions on projects that have already received permits or on those for which a permit application has been made.

Unfortunately, the Commission cannot legally provide a definitive response in this regard. On its face, however, no language in Section 9 indicates that it should be applied retroactively. You or your attorney may also find guidance from Section 553.73(6), Florida Statutes (2006), which provides that "the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit."

The law also directs the Florida Building Commission to amend the Code to eliminate exceptions for wind borne debris protection that are less stringent than the 2006 International Building Code and International Residential Code requirements. The Commission considered criteria potentially impacted by the law and decided to begin Code amendment proceedings to eliminate the internal pressure design option for commercial and residential buildings in wind borne debris regions, to designate 120 mph and higher design wind speed areas throughout Florida as wind borne debris regions and to modify the design wind speed and wind borne debris region map in the Code to reflect the new designation. The list of criteria considered was: the interior pressure design option; the storage shed opening protection; structural panel opening protection; wind borne debris region designation in the Code, and: opening protection for replacement windows and doors. The only hearing on the Code amendments will be held during the Commission's March 2007 meeting and the amendments will take effect by July 1, 2007 as directed by law.

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