

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

WILSON WINDOW,

Case #: DCA03-DEC-179

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from James Agen of WILSON WINDOW (the "Petitioner"), which was received on June 18, 2003 and subsequently amended on July 18, 2003. Based upon the statements in the Petition and the materials subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, *Florida Administrative Code*.
2. The Petitioner is a general contractor licensed in the State of Florida who specializes in window replacement projects on existing mid-rise and condominium buildings.
3. The Petitioner is anticipating a project in Sarasota County, Florida, in the wind borne debris region in which the owner seeks to utilize a shutter panel that mounts inside of the glazed opening.
4. The Petitioner requests that the Commission interpret the provisions of Section 1601.1.4, Florida Building Code, Building Volume, and render a Declaratory Statement regarding whether the proposed installation of shutter panels complies with the cited

section of the Code.

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. Section 1606.1.4, Florida Building Code, Building Volume, states:

In windborne debris regions, exterior glazing that receives positive pressure in the lower 60 feet (18.3 m) in buildings shall be assumed to be openings unless such glazing is impact resistant or protected with an impact resistant covering meeting the requirements of SSTD 12, ASTM E 1886 and ASTM E 1996 . . .

3. The quoted language from the Code clearly and expressly requires that glazing, when not impact resistant, must be either assumed opening or must be protected with an impact resistant covering. With regard to the issue in question, in order to protect the existing two windows from impact, the hurricane shutters for these windows must be installed and mounted on the outside and the proposed installation is insufficient to meet the requirements of this section.

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), Fla. Stat. (1999), and with Fla. R. App. P. 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, Florida 32399-2100, and with the appropriate District Court of Appeal not later than thirty (30) 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), Fla. Stat. (1999).

DONE AND ORDERED this _____ of _____, 2003, 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 Boulevard
Tallahassee, Florida 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 _____, 2003.

PAULA P. FORD
Commission Clerk

Via U.S. Mail:

James E. Agen
Wilson Window Glass & Mirror
5664 Swift Road
Sarasota, Florida 34231

Via Hand Delivery:

Mo Madani, Planning Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100