

MAY 14 2004

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

BORJEN YEH, PH.D., P.E.,

Case #: DCA04-DEC-034

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from BORJEN YEH, PH.D., P.E., which was received on February 3, 2004. 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 the Director of the APA Technical Services Division, 7011 South 19th Street, Tacoma, Washington 98466, and is seeking a Declaratory Statement regarding approval for structural glued laminated timber ("glulam") under the Florida Building Code Product Approval System.

3. The Petitioner asks the Commission to:

Clarify whether glued laminated timber products manufactured in accordance with ANSI/AITC A190.1 meets the intent of the Florida Building Code and should be exempted from product approval under the Florida Building Code Product Approval System.

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 553.842(4), Fla. Stat., (2003) states:

By October 1, 2003, products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) or subsection (6) before their use in construction in this state. Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only.

2. Section 553.842(5), Fla. Stat., (2003) states:

Local approval of products or methods or systems of construction may be achieved by the local building official through building plans review and inspection to determine that the product, method, or system of construction complies with the prescriptive standards established in the code.

3. The Florida Building Code provides the specification standards for the production of structural glued laminated timber, and provides for specific design values or design criteria.

Section 2301.2.5, Florida Building Code, Building Volume, states that the following standards shall be accepted as conforming to good engineering practice:

American Institute of Timber Construction:

AITC 104 : Typical Construction Details

AITC 110: Standard Appearance Grades for Structural Glued Laminated Timber

AITC 112: Standard for Tongue-and-Groove Heavy Timber Roof Decking

AITC 113: Standard for Dimensions of Structural Glued Laminated Timber

AITC 117: Standard Specifications for Structural Glued Laminated Timber of Softwood Species

AITC 119: Standard Specifications for Glued Laminated Timber of Hardwood Species

4. Section 2314.4.2, Florida Building Code, Building Volume, identifies the High Velocity Hurricane Zone ("HVHZ") design and quality standard for structural glued laminated

timber, as ANSI/AITC A190.1.

5. Section 2315.1.2, Florida Building Code, Building Volume, identifies the HVHZ quality requirements for all wood based structural glued laminated timber panels used structurally which must be identified for grade and exposure level by the grade stamp of an approved testing and grading agency indicating conformance with PS-1, PS-2, APA PRP-108 or TECO PRP-1.33 as adopted in 2314.4, Florida Building Code.

6. The Petitioner's asks the Commission to:

Clarify whether glued laminated timber products manufactured in accordance with ANSI/AITC A190 meets the intent of the Florida Codes and should be exempted from product approval under the Florida Building Code Product Approval System.

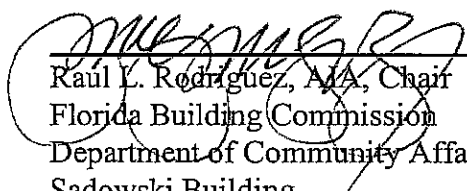
7. Therefore, the Petitioner's question is answered as follows:

Sections 2301 and 2314, Florida Building Code, Building Volume, provide for specification standards for Structural Glued Laminated Timber and require that such products be manufactured, inspected, and marked. Thus, in accordance with Section 553.842(5), Fla. Stat., (2003), local approval of Structural Glued Laminated Timber may be achieved through building plans review and inspection provided that such products are inspected by an approved inspection agency. However, Glued Laminated Timber manufactured for use in the HVHZ is required to demonstrate compliance with Section 2315.1.2, Florida Building Code, Building Volume, in accordance with Product Approval Rule 9B-72, *Florida Administrative Code*.

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. (2003), 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

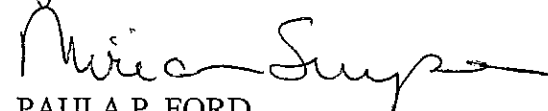
filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Fla. Stat. (2003).

DONE AND ORDERED this 06 of May, 2004, 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 11th day of May, 2004.


for PAULA P. FORD
Commission Clerk

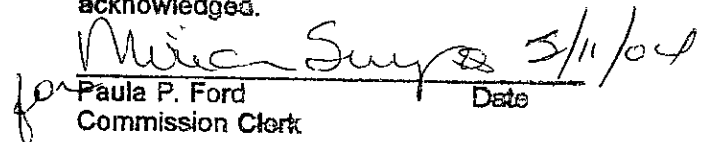
Via U.S. Mail:

Borjen Yeh, Ph.D., P.E.
Director Technical Services
APA
7011 South 19th Street
Tacoma, Washington 98466

Via Hand Delivery:

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

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

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Paula P. Ford Date
Commission Clerk