



One Goal, One Vision, One Team

PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA BUILDING COMMISSION

**Company:** FDS Engineering Associates, Inc. (A TSG Company)

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**DS 2023-040**

**Petitioner's Attorney/ Rep.:** Carl A Brown, PE      **Email:** carl.brown@mytsghome.com

**Statue(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:**

2023 Florida Building Code,  
8<sup>th</sup> Edition, Chapter 2 Definitions

**Background:**

FDS Engineering is seeking clarification from the Florida Building Commission on the Wind-Borne Debris Region, definition in Chapter 2 of the Florida Building Code. We provide thousands of new home plans annually in Central Florida for many builders who will be greatly affected by the wording change (which removes the word "Coastal"). This definition will now require Opening Protection within 1 mile of large lake areas. The developer is proposing a new 200 Single family home subdivision 1/2 mile away from Lake Apopka in Lake County, FL with a fetch of over 5,000 feet. Design Wind Speed is 135 mph, Exposure "C" category.

**Architecture      Structural      Design      Planning**

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AA26003115 // PE-56126



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**Chapter 2**

**Section:**

**[RB] WINDBORNE DEBRIS REGION.** Areas within *hurricane-prone regions* located in accordance with one of the following:

1. Within 1 mile (1.61 km) of the mean high water line where an Exposure D condition exists upwind at the waterline and the ultimate design wind speed,  $V_{ult}$ , is 130 mph (58 m/s) or greater.
2. In areas where the ultimate design wind speed,  $V_{ult}$ , is 140 mph (63.6 m/s) or greater; or Hawaii.

This requirement is indicated in Figure R301.2(4) Note:7

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**Question: If this new home subdivision is within 1 mile of Lake Apopka and determined not to have an Exposure D category designation, is it required to have opening protection?**

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**Summary:**

The petitioner respectfully believes the answer is "NO". It is our interpretation of this definition that the opening requirement only applies where the project location is within an Exposure D category. The project location within one mile of an exposure D condition was previously only required at the "Coast" of the Atlantic Ocean and the Gulf of Mexico and not applicable at interior bodies of water. The proposed community is within the 1-mile definition yet is not in the Exposure D category. The petitioner believes that it is reasonable to interpret the exceptions as applicable to the proposed site. If the Florida Building Code would agree, the petitioner believes omitting the Opening Protection does not compromise public safety, health, or welfare and would provide the petitioner with a more reasonable cost to construct these single-family homes.

Respectfully submitted,

Carl Brown, PE  
FDS Engineering Associates  
(A TSG Company)

Date: October 14, 2023

Architecture

Structural

Design

Planning

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