



**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 2/26/2019  
File #

**PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA BUILDING COMMISSION**

**Company:** Finfrock DMC  
**Address:** 2400 Apopka Boulevard  
Apopka, Florida 32703  
**Name:** Allen R. Finfrock, PE  
**Title:** CEO  
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**DS 2019-014**

**Petitioner's representative:** Michael Phegley

Chief Mechanical Engineer

Finfrock DMC

Telephone: 407-367-2437

Facsimile:

E-Mail: [mphegley@finfrock.com](mailto:mphegley@finfrock.com)

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

2017 Florida Building Code

Chapter 7, Section 708 & 716

**Background:**

Finfrock is a design/build/manufacture who is designing a dormitory project for Florida A & M University. As part of the design requirements, the Owner requested that the dorm room fan coil units be serviceable from the corridor. Our corridor walls are classified as "fire partitions" with a one hour fire rating.

**CODE EXCERPTS:**

**FLORIDA BUILDING CODE (FBC) – SIXTH EDITION Chapter 7 – Fire and Smoke Protection Features**

**Section 708 - Fire Partitions**

**708.3 - Fire -resistance rating.** Fire partitions shall have a fire-resistance rating of not less than 1 hour.

**708.6 Openings.** Openings in a fire partition shall be protected in accordance with Section 716.

**Section 716 - Opening Protectives**

**716.5.3.1 – Smoke and draft control.** Fire door assemblies shall meet the requirements for a smoke and draft control door assembly tested in accordance with UL 1784.

**Situation:**

The 2017 Florida Building Code, Section 708 refers to Section 716 which includes a paragraph 716.5.3.1 which states that “fire door assemblies shall meet the requirements for a smoke and draft control door assembly tested in accordance with UL 1784”. To provide the service access requested by the Owner, we intend to provide fire rated access panels in the corridor wall. These panels will be 18” wide by 57” high and open into the interstitial space of the walls enclosing the fan coil units. This space does not communicate with any occupiable space.

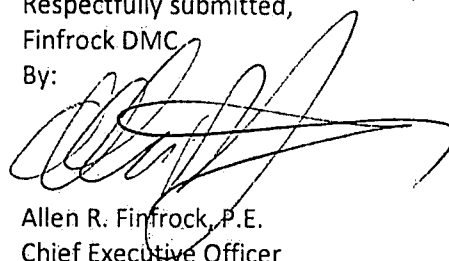
**Question:**

Does the code classify an access panel as a “smoke and draft control door” which would require it to be rated per UL 1784?

**Summary:**

Petitioner respectfully believes the answer to the question is “NO”. Since fire rated access panels are not tested to UL 1784, we do not believe that the codes’ intent is to classify these panels as “control doors”; otherwise, we feel that they would have been tested to the standard years ago.

Respectfully submitted,  
Finrock DMC  
By:



Allen R. Finrock, P.E.  
Chief Executive Officer

SEE OVERALL PLANS -  
CONFIRM ACCURATE  
NUMBER, TYP.

VERTICAL FAN COIL  
UNIT - SEE MECH.  
DWGS.

FIRE-RATED  
ACCESS PANEL

