

3/9/09

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of

Hillsborough County Public Schools,

Case #: DCA08-DEC-289

Petitioner.

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**DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Glen Lathers, Fire Official with Hillsborough County Public Schools, which was received on October 10, 2008, and subsequently amended on November 19, 2008. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, it is hereby ORDERED:

**Findings of Fact**

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner is a school district within the State of Florida.
3. The Petitioner enforces the Florida Building Code with regard to buildings and structures operated by the District and, specifically, must enforce the Code with regard to proposed construction at 101 E. College Avenue in Ruskin, Florida. The construction activity relates to an E occupancy building containing areas of less than 20,000 square feet separated by a four hour fire wall with no levels below the level of exit discharge
4. The Petitioner inquires whether the 2004 edition of the Florida Building Code requires the building in question to be fully sprinklered if approved by the authority

having jurisdiction? The petitioner also asks whether the Code requires the proposed four hour fire wall to have a parapet wall and allow any penetrations?

### Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entry of a declaratory statement.

2. Section 903.2.2, Florida Building Code, Building Volume (2004 as amended 05/07), provides the following with regard to E occupancy buildings:

An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

Exception: An automatic fire sprinkler system is not required in existing educational buildings unless 50 percent of the aggregate area of the building is being remodeled.

3. Section 705.1, Florida Building Code, Building Volume (2004 as amended 05/07), states that “[e]ach portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered a separate building.”

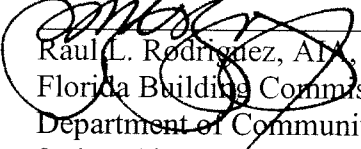
4. Section 702.1, Florida Building Code, Building Volume (2004 as amended 05/07), defines fire area as the “aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire-resistance-rated horizontal assemblies of a building.

5. Based on the foregoing, the Code does not require the described building to be fully sprinklered.

6. The Petition provides an insufficient factual basis upon which the Commission can base a declaratory statement with regard to the need for parapet walls or the permissibility of penetrations of the fire walls.


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), Florida Statutes, and with Fla. R. App. 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, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty 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), Florida Statutes.

DONE AND ORDERED this 5<sup>th</sup> of March, 2009, 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 Blvd.  
Tallahassee, FL 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 9<sup>th</sup> day of Mar, 2009.

  
PAULA P. FORD  
Commission Clerk  
**Via Hand Delivery**

**Via U.S. Mail**

Hillsborough County Public  
Schools  
ATTN: Glen Lathers  
4224 West Crest Avenue  
Tampa, Florida 33614

Mo Madani, C.B.O. Manager  
Codes and Standards Section  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
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