## STATE OF FLORIDA BUILDING COMMISSION

In the Matter of

Bhamani, Ford & Associates, Inc.,

Case #: DCA09-DEC-009

Petitioner.

#### **DECLARATORY STATEMENT**

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Thomas H. Ford of Bhamani, Ford & Associates, Inc., which was received on January 16, 2009, and subsequently amended on January 21, 2009. 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 designs buildings in the State of Florida subject to the requirements of the Florida Building Code.
- 3. The Petitioner is designing a building for use as a retail store that includes a warehouse that is 1250 square feet in area.
- 4. The Petitioner inquires whether ventilation requirements imposed by the Florida Building Code can be achieved in the proposed warehouse by an overhead door that is 160 square feet in area or by mechanical ventilation with a minimum capacity of 62.5 cubic feet per minute?

#### **Conclusions of Law**

- 1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code.
- 2. Section 401.2, Florida Building Code, Mechanical Volume (2007), requires ventilation of occupied spaces by natural or mechanical means.
- 3. Section 402 of the Mechanical Volume allows ventilation by means of opening to the outdoors with a minimum openable area of four percent of the floor area to be ventilated by the opening. Sections 402.1, 402.2, Florida Building Code, Mechanical Volume (2007).
- 4. Section 403 of the Mechanical Volume specifies that, for the subject building, mechanical ventilation providing a minimum airflow rate of 0.05 cubic feet per minute per square foot of area to be ventilated. Section 403.3, Table 403.3, Florida Building Code, Mechanical Volume (2007).
- 5. Applying the foregoing, the subject space requires a minimum openable space of 50 square feet to comply with the natural ventilation alternative or mechanical ventilation with an airflow capacity of at least 62.5 cubic feet per minute.
- 6. Each proposed alternative identified within the Petition complies with the requirements of the Code identified above.

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 \_\_\_\_\_\_\_, 2009, in Coral Gables Miami-Dade County, State of Florida.

Raul L. Rodriguez, AM, 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

day of \( \langle \)

**′**, 2009.

PAULA P. FORD Commission Clerk

#### Via U.S. Mail

Thomas H. Ford, RA Bhamani, Ford & Associates, Inc. 4900 SW 74<sup>th</sup> Court Miami, Florida 33155

### Via Hand Delivery

Mo Madani, C.B.O. Manager Codes and Standards Section Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100