

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CITY OF TAMPA, CONSTRUCTION
SERVICES DIVISION,

Case #: DCA09-DEC-138

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Nick D'Andrea, Jr., of the City of Tampa, Construction Services Division, which was received on May 6, 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 is an agency of the City of Tampa and enforces the Florida Building Code therein.
3. The Petitioner has received a permit application for renovation of a space on the second floor of an existing building not within a school or academic program. The building is business occupancy, is fully sprinklered and includes a monitored alarm system. The proposed renovation includes an area of approximately 6800 square feet and includes training and skill development rooms ranging in size between 800 and 1050

square feet. The rooms are to be used for training purposes and have an occupant load of less than 50 people.

4. The Petitioner inquires whether the Code requires training/skill development rooms located within a single tenant building with a business occupancy to be classified as Assembly Group A or Business Group B and, if the training rooms are greater than 750 square feet, is occupancy separation required as indicated in section 508.3 and Table 508.3.3 of the Florida Building Code, Building Volume?

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 301.1, Florida Building Code, Building Volume (2007), describes Assembly Group A occupancy as:

the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.

This occupancy specifically includes lecture halls, exhibition halls and community halls.

Certain exceptions to the classification are provided based on size of the room or the occupant load thereof.

3. Section 304.1, Florida Building Code, Building Volume (2007), however, specifically identifies areas for training and skill development that are not within a school or academic program as included within Business Group B occupancy.

4. Section 102.1, Florida Building Code, Building Volume, provides that:

Where, in any specific case, different sections of this code specify different materials, methods of construction or

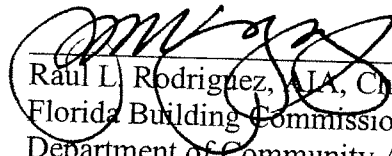
other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

5. Although the general provisions relating to assembly occupancies might be interpreted to apply to the areas in question, the specific provisions cited in paragraph 3 mandate that the areas be classified as a Business Group B occupancy.

6. In accordance with the foregoing and based on the facts presented and accepted as true for the purposes hereof, the Commission concludes that the training and skill development areas of the subject building are properly classified as Business Group B Occupancy.

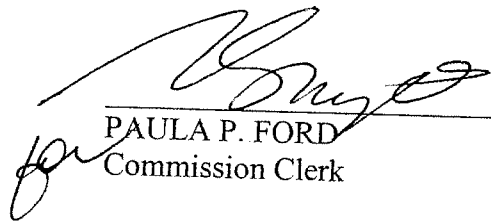
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 3rd of September, 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 9th day of September, 2009.


PAULA P. FORD
Commission Clerk

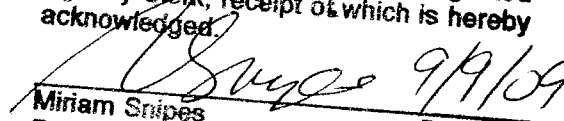
Via U.S. Mail

Nick D'Andrea, Jr.,
Construction Operations Manager
City of Tampa
1400 North Boulevard
Tampa, Florida 33607

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

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


Miriam Snipes
Deputy Agency Clerk
Date 9/9/09