

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

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DS 2025-010

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PETITION FOR DECLARATORY STATEMENT

1. Statement of the Specific Statutory Provision and Rule Involved:

This petition is filed pursuant to section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code, requesting a declaratory statement from the Florida Building Commission concerning the applicability of the Florida Building Code, Residential Eighth Edition (2023), regarding the requirement for a 20-minute fire-rated attic access hatch in the ceiling of a garage in a one-family dwelling.

2. Description of the Situation and Facts Giving Rise to Uncertainty:

Petitioner, Pulte Group, having direct and substantial interest in interpretation of the building code, is a property owner and contractor seeking clarification on whether the Florida Building Code, Residential Eighth Edition (2023), requires a 20-minute fire-rated attic access hatch in the ceiling of a garage in a proposed one-family dwelling.

Specifically, the project in question includes a garage that is separated from the residence by walls and ceilings complying with the dwelling-garage separation requirements of Section R302.6 of the Florida Building Code, Residential (2023). An access into the attic space is provided as required by R807 and is installed in the garage ceiling. The attic area is not habitable, does not contain equipment, and is not constructed or intended for storage in accordance with Section R301.5. The petitioner seeks confirmation that, under the current code provisions, a 20-minute fire-rated attic access hatch is not mandated in this scenario.

3(a). Petitioner's Question:

Does the Florida Building Code, Residential Eighth Edition (2023), require a 20-minute fire-rated attic access hatch, to access the non-habitable attic space from the garage, as described in Section 2 of this petition for the project in question?

3(b). Petitioner's Proposed Answer:

No, the Florida Building Code, Residential Eighth Edition (2023), does not explicitly require a 20-minute fire-rated attic access hatch in the ceiling of a garage in a one-family dwelling. Section R302.6 of the Code specifies the required fire separation between the dwelling and the garage, including the required fire resistance of walls and ceilings. However, there is no specific provision within the Code mandating that attic access openings in the garage ceiling must have a 20-minute fire-rated door or assembly. Provided that the garage ceiling complies with the required fire-resistant construction, the inclusion of a fire-rated attic access hatch is not a requirement.

4. Justification for Declaratory Statement:

Petitioner submits this request to obtain a formal interpretation of the Florida Building Code to ensure compliance with future construction projects and to resolve uncertainty regarding fire-rated attic access hatch requirements in residential garage ceilings.

Section R302.6 of the Florida Building Code, Residential Eighth Edition (2023), outlines the dwelling-garage separation requirements, including the necessary fire resistance ratings of walls and ceilings. However, the Code does not explicitly require a 20-minute fire-rated attic access hatch in the garage ceiling if the prescribed construction elements meet or exceed the fire resistance rating requirements. The absence of a direct reference to such a requirement creates ambiguity that this petition seeks to clarify.

5. Affected Code Provisions:

The following provisions of the Florida Building Code, Residential Eighth Edition (2023), are relevant to this petition:

- **Section R301.5** – Live Load
- **Table R301.5** – Minimum Uniformly Distributed and Concentrated Live Loads
- **Section R302.5** – Dwelling-Garage Opening and Penetration Protection
- **Section R302.6** – Dwelling-Garage Separation
- **Table R302.6** – Separation Requirements
- **Section R807** – Attic Access

6. Certification:

Under penalties of perjury, I declare that I have read the foregoing petition and that the facts stated herein are true and correct to the best of my knowledge and belief.

Dated this 9 day of April, 2025.

Pulte Group

By:  _____

Jonathan Pierce, Vice President of Construction Operations