

PETITION FOR DECLARATORY STATEMENT BEFORE
THE FLORIDA BUILDING COMMISSION

Company: Forum Architecture & Interior Design
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DS 2025-029

PETITION FOR DECLARATORY STATEMENT

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

This Petition for Declaratory Statement is submitted pursuant to Section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code. The Petitioner seeks a declaratory statement from the Florida Building Commission regarding the interpretation and applicability of the Florida Building Code, Building – Eighth Edition (2023), specifically as it pertains to Section 1030.1 and the requirements governing Emergency Escape and Rescue Openings (EERO).

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

Petitioner, Forum Architecture and Interior Design, having direct and substantial interest in interpretation of the building code, is seeking clarification on whether the Florida Building Code, Building - Eighth Edition (2023), requires (EERO) in a 4-story apartment building.

Specifically, the subject project will be a four-story, wood-framed apartment building of R-2 occupancy classification, which would be constructed in accordance with the Florida Building Code, Building – Eighth Edition (2023). The building will be equipped throughout with an NFPA 13R fire sprinkler system and will include internal breezeways as common circulation areas. Each story will be provided with two (2) fire-rated exit stair enclosures, and each individual dwelling unit shall be designed with two (2) distinct means of egress originating from the unit entry door.

The Petitioner hereby requests formal confirmation that, pursuant to the applicable provisions of the Florida Building Code, Building – Eighth Edition (2023), Emergency Escape and Rescue Openings (EEROs) are not required for the individual dwelling units within this specific project configuration.

3(a). Petitioner's Question:

Does the Florida Building Code, Building - Eighth Edition (2023), requires Emergency Escape and Rescue Openings (EEROs) within dwelling units or sleeping rooms in an R-2 occupancy apartment building, when two independent means of egress are provided per story as described in Section 2 of this petition.

3(b). Petitioner's Proposed Answer:

Petitioner respectfully submits that the Florida Building Code, Building – Eighth Edition (2023), does not require Emergency Escape and Rescue Openings (EEROs) in dwelling units or sleeping rooms located in an R-2 occupancy apartment building that is equipped with an NFPA 13R-compliant fire sprinkler system and provided with two compliant means of egress per story.

4. Justification for Declaratory Statement:

Petitioner seeks this declaratory statement pursuant to section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, for the purpose of obtaining a formal interpretation of the applicable provisions of the Florida Building Code. The requested clarification is necessary to ensure regulatory compliance in the planning and design of future construction projects and to resolve ambiguity regarding the applicability of EERO requirements in R-2 apartment buildings under the stated conditions.

5. Affected Code Provisions:

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


- Section 1030.1 – Emergency Escape and Rescue
- Table 1006.3.3(1) – Stories with One Exit or Access to One Exit for R-2 Occupancies
- Table 1006.3.3(2) - Stories with One Exit or Access to One Exit for Other Occupancies

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 8 day of AUGUST, 2025

Forum Architecture and Interior Design

By: 
Andrew Roark, President