

DS 2025-029 – Forum Architecture & Interior Design

Issue: Petitioner is seeking a declaratory statement to clarify whether the 8th Edition (2023), Florida Building Code, Building requires an emergency escape and rescue openings within dwelling units and sleeping rooms located in a four-story R-2 occupancy configured with two independent means of egress.

Petitioner presents the following question:

Does the Florida Building Code, Building - Eighth Edition (2023), require 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?

Background:

According to the petitioner, 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 will be designed with two (2) distinct means of egress originating from the unit entry door.

8th Edition (2023) Florida Building Code, Building

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

310.4 Residential Group R-2. Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient)
- Congregate living facilities (nontransient) with more than 16 occupants
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)

Vacation timeshare properties

CHAPTER 9 FIRE PROTECTION SYSTEMS

[F] 903.2.8 Group R.

An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

[F] 903.3.1.2 NFPA 13R sprinkler systems.

Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18 288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R

CHAPTER 10 MEANS OF EGRESS

SECTION 1030 EMERGENCY ESCAPE AND RESCUE

1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in **Group R-2 occupancies in accordance with Tables 1006.3.3(1) and 1006.3.3(2) and Group R-3 occupancies.**

Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
3. Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings

Note: The corresponding provisions in the 2021 International Building Code are similar in form and intent:

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in the following occupancies:

1. Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.4(1) and 1006.3.4(2).

2. Group R-3 and R-4 occupancies.

TABLE 1006.3.3(1) STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES

STORY	OCCUPANCY	MAXIMUM NUMBER OF DWELLING UNITS	MAXIMUM EXIT ACCESS TRAVEL DISTANCE
Basement, first, second or third story	R-2 ^{a, b}	4 dwelling units	125 feet
Fourth story and above	NP	NA	NA

For SI: 1 foot = 3048 mm.

NP – Not Permitted.

NA – Not Applicable.

a. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1030.

b. This table is used for R-2 occupancies consisting of dwelling units. For R-2 occupancies consisting of sleeping units, use Table 1006.3.3(2).

TABLE 1006.3.3(2) STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES.

STORY	OCCUPANCY	MAXIMUM OCCUPANTS LOAD PER STORY	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)
First story above or below grade plane	A, B ^b , E, F ^b , M, U	49 occupants	75
	H-2, H-3	3 occupants	25
	H-4, H-5, I, R-1, R-2 ^{a, c} , R-4	10 occupants	75
	S ^{b, d}	29 occupants	75
Second story above grade plane	B, F, M, S ^d	29 occupants	75
Third story above grade plane and higher	NP	NA	NA

For SI: 1 foot = 304.8 mm.

NP – Not Permitted.

NA – Not Applicable.

a. Buildings classified as Group R-2 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with *emergency escape and rescue openings* in accordance with Section 1030.

b. Group B, F and S occupancies in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall have a maximum travel distance of 100 feet.

c. This table is used for R-2 occupancies consisting of *sleeping units*. For R-2 occupancies consisting of *dwelling units*, use Table 1006.3.3(1).

d. The length of exit access travel distance in a Group S-2 open parking garage shall be not more than 100 feet

The Commission has also issued a prior declaratory statement on the related provisions from the 5th Edition (2014) Florida Building Code, Building, which were similar in form and intent:

DS 2017-019.

Question:

Does FBC 1029.1 require an emergency escape and rescue opening from sleeping units located on the second and third floors of an R-2 occupancy configured with two remotely located fire rated stairs, and otherwise complying with FBC?

Answer:

No, as per Section 1029.1 of the 5th Edition (2014) FBC, Building, an R-2 building that is equipped with an automatic sprinkler system and provided with a minimum of two independent exits per story is not required to provide for an emergency escape and rescue openings. Therefore, an emergency escape and rescue openings are not required for the sleeping units in question.

Staff Analysis:

Question:

Does the Florida Building Code, Building - Eighth Edition (2023), require 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?

Answer:**Option #1/Petitioner:**

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.

Option #2/Staff:

The answer to the Petitioner's question is no. Pursuant to section 1030.1 of Florida Building Code, Building, 8th Edition (2023), an R-2 occupancy apartment building that is equipped with an automatic sprinkler system and provided with a minimum of two independent exits per story is not required to provide for an emergency escape and rescue openings. Therefore, an emergency escape and rescue openings are not required for the dwelling units or the sleeping rooms in question.