

DECLARATORY STATEMENT REPORT

FLORIDA BUILDING COMMISSION
PLENARY SESSION
OCTOBER 14, 2025
8:30 A.M.

Fire Technical Advisory Committee

DS 2025-029 by Andrew Roark of Forum Architecture & Interior Design

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 R2 occupancy apartment building, when two independent means of egress are provided per story as described in Section 2 of this petition?

Answer: 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.

Structural Technical Advisory Committee (Concurrent with Special Occupancy Technical Advisory Committee)

DS 2025-028 by Timothy Krebs of Architect T.A. Krebs, LLC

Question: Is a detached accessory structure that complies with the requirements of Section R322.2.2 without the floor below grade on all sides limited to 600 square feet?

Answer: Section R322.2.2 of the Florida Building Code (FBC), Residential, 8th Edition (2023) does not apply to the project in question. This section governs enclosed areas below buildings that are elevated in accordance with section R322.2.1 of the FBC, Residential, 8th Edition (2023). Pursuant to section R322.2.1, the project in question is required to be elevated to or above the base flood elevation plus 1 foot. However, pursuant to section R322.1.1 of the FBC, Residential and, Table 2-1 and Chapter 6 of ASCE 24-14, as an alternative to compliance with elevations specified in section R322.2.1, the project in question is permitted to be constructed below the required minimum elevation if the said project meets the dry floodproofing requirements of section 6.2 of ASCE 24-14 or the wet floodproofing requirements of section 6.3 of ASCE 24-14.

Structural Technical Advisory Committee

DS 2025-024 by Al Moschiner of Charleston Square Condominium Associations, Inc.

Question 1: Does the Charleston Square condominium building have three habitable stories pursuant to 553.899(3)(a), Florida Statutes, when the building is a mixed-use condominium in Naples, Collier County Florida, with the 1st floor being solely commercial spaces, and the 2nd and 3rd floors being residential units?

Answer: The answer to the Petitioner's question is no. Pursuant to the definition of "habitable space" in the Florida Building Code, Building, 8th (2023), which is more specific to residential living, the existing first floor which consists of commercial spaces (offices, showrooms, storage, and restaurant) is not a habitable story. Therefore, the building in question has only two habitable stories.

Question 2: Whether there is a threshold as to what percentage of the story must be habitable for the entire story to be a "habitable story"?

Answer: This is a question of general applicability, not tied to the petitioner's particular circumstances, and thus cannot be answered in this declaratory statement. See, e.g., *Sutton v. Dep't of Env'tl. Prot.*, 654 So. 2d 1047, 1048-49, (Fla. 5th DCA 1995).