

### PETITION FOR DECLARATORY STATEMENT

**Before:**

The Florida Building Code Commission

**Petitioner :**

Dwight E. Holmes, FAIA  
Holmes Hepner & Associates Architects  
109 North Brush Street, Suite 100  
Tampa, Florida 33602

DCA08-DEC-059

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

 2/21/08  
Miriam Snipes Date  
Deputy Agency Clerk

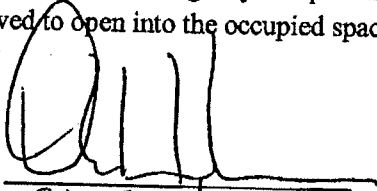
**Statutory provisions, agency rules, or agency order on which the declaratory statement is sought:**

Interpretation of Florida Building Code 2004 edition:

- Section 423 Paragraph 423.13.4
- Section 1002 Paragraph 1002.1
- Section 1025 Paragraph 1025.4.1

**Description of how the statutes, rules or orders may substantially affect the petitioner in the petitioners particular set of circumstances:**

Are side hinged emergency escape and rescue windows that are required in Section 1025 allowed to open into the occupied space provided all requirements of subparagraphs 1 and 2 have been met?



Signature:

Date: 21 FEB 08

**ANNOTATIONS**

**Purpose:**

Authority Having Jurisdiction, Mr. James R. Johannessen, AIA, Hillsborough County Public Schools, Building Code Official, has disagreed with the Florida Building Code Informal Interpretation which was issued on September 17, 2007; Report #5321 (attached hereto) and has requested that petitioner seek a formal declaratory statement. It has been Mr. Johannessen's position that the required emergency escape and rescue windows must open out "in the direction of exit travel". Petitioner has contended that such would have been the case if the windows had been designed to serve as "secondary exits" as had formerly been required under the Standard Building Code, however, it has been the petitioner's opinion that, under FBC Section 1025, a second exit is not required in a classroom with fewer than 50 occupants, and that an emergency rescue window may open in or out or up (as shown in the FBC Commentary), provided dimensional criteria are met.



Florida Building  
Code  
Informal  
Interpretation



Date: Mon Sep 17 2007

Report #: 5321

Code: Building

DCA08-DEC-059

Section: 1025

**Question:**

Is it the intent of Section 1025.4.1 to require that the rescue panel swing out (in the direction of travel) if using a casement window? Comment: Section 1025 is completely consistent the NFPA 101 with regards to emergency rescue openings. Neither code states that the window would have to open out. Since these are no longer used for a "secondary means of egress" in schools and the Code specifically states you need a sign saying "Emergency Rescue - Keep Area Clear" it would seem that it does not matter which way the window swings.

**Answer:**

They could swing in or out or roll up provided all the dimensional criteria is met.

**Commentary:**

None

**Notice:**

*The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, SBCCI, and industry and professional experts offer interpretations of the Florida Building Codes in the interest of consistency in their application statewide. They are informal, non-binding and subject to acceptance and approval by the local building official.*

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Miniam Snipes  
Deputy Agency Clerk

Date

2/21/08

**FAX  
TRANSMITTAL**

**HOLMES HEPNER & ASSOCIATES ARCHITECTS**

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DATE: February 21, 2008

TO: Mariam Snipes  
Asst. Staff Attorney  
Dept. of Community Affairs  
State of Florida

Fax No. 850-922-2679

RE: Florida Building Code

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NUMBER OF PAGES INCLUDING THIS TRANSMITTAL 3

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DESCRIPTION: Petition for Declaratory Statement

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REMARKS:

FROM: D.E. Holmes, FAIA  
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