

October 22, 2010. The petition seeks the agency’s opinion as to the applicability of Section 633.0215(14) and Note 1 to Section 633.0215(14), Florida Statutes, as it applies to the petitioner.

The Petitioner is a Fire Official with the City of Altamonte Springs, Florida with the responsibility of enforcing the Florida Fire Prevention Code, Chapter 633, Florida Statutes and Chapter 69A-60, Florida Administrative Code. This petition for declaratory statement is referring to Willow Park apartment complex on Lake Adelaide within the jurisdictional limits of the City of Altamonte Springs subject to the provisions of the 2007 edition of the Florida Fire Prevention Code and regulated as an existing apartment under Chapter 31. Petitioner asks specific questions. 1) Does subsection (14) of the Florida Statutes 633.0215 apply to the Willow Park apartment complex; given that it is not a condominium form of ownership? 2) If the answer to question 1 is “No,” is the editorial footnote language in Section 633.0125(14), F.S., stating “A condominium, cooperative, or multifamily residential building that is less than four stories in height and has a corridor providing an exterior means of egress is exempt from the requirement to install a manual fire alarm system under s. 9.6 of the Life Safety Code adopted in the Florida Fire Prevention Code” enforceable and applicable to this apartment complex as editorially published footnote text? 3) May the Willow Park on Lake Adelaide apartments remove an existing manual fire alarm system originally installed to comply with section 31.3.4.1.1 of the 2007 FFPC?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mail: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has issued an order disposing of the petition for declaratory statement filed by Ed Riley, the fire code official for Collier County, on September 10, 2010. The following is a summary of the agency’s disposition of the petition:

The question involves the exit egress requirements for a three story structure with an open space between the second and third levels. In order to access the enclosed exits, the occupants must pass through the open areas. The Declaratory Statement

applies the Florida Fire Prevention Code to these facts and concludes that the occupants must have exit egress that is separated from the open areas by a smoke barrier.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE