

(iii) If a conflict exists between the Florida Building Code and the Florida Fire Prevention Code, the conflict must be brought to the attention of the State Fire Marshal for resolution pursuant to Section 633.01 and Chapter 553, Florida Statutes.

Question C.: Does the DCA have sole purview in this matter or does the State Fire Marshal also have purview in this matter and able to render a declaratory statement regarding these matters?

Response: The State Fire Marshal only has jurisdiction to issue a declaratory statement on the Florida Fire Prevention Code. (Section 633.01, Florida Statutes). The Department of Education or the Department of Community Affairs should be consulted on matters relating to the Florida Building Code and educational facilities.

Question D.: Must all new schools, permitted through the local building department and whose plan submittals the local government code enforcement offices and Fire Code Official’s office review, comply with the requirements of F.B.C., Section 423.7.7?

Response: For an interpretation of Section 423.7.7 of the Florida Building Code, the Department of Community Affairs or the Department of Education should be consulted; however, firesafety officials have jurisdiction to interpret the Florida Fire Prevention Code, not the Florida Building Code.

Question E.: Are there any codes, standards or reference sections adopted by the State Fire Marshal that will permit the requirement for the automatic detector devices outlined in F.B.C. Section 423.7.7 to be omitted under any circumstances?

Response: As previously indicated, the State Fire Marshal does not have jurisdiction to render an interpretation of the Florida Building Code. Also as previously stated, if a provision is located in the Florida Building Code, even if the provision relates to firesafety as may be the case with Section 423.7.7, that provision is to be enforced by building code officials, not firesafety code officials.

In summary, the State Fire Marshal does not have jurisdiction to render an interpretation of the Florida Building Code. Fire officials do not have jurisdiction to interpret, apply, or enforce the Florida Building Code or any building codes of this state. If a question is raised to a fire official relating to the Florida Building Code, or if a fire official notes a problem relating to the Florida Building Code, the fire official must refer the question or the problem to the building official in the same manner that a building official must refer questions relating to the Florida Fire Prevention Code to the fire official. Fire officials only have authority to interpret, apply, or enforce the firesafety laws, rules, codes, and standards. Those include but are not necessarily limited to Chapter 633, Florida Statutes, Rule Chapter 4A-58, Florida Administrative Code, relating to existing educational facilities, Rule Chapter 4A-60, Florida Administrative Code, the “Florida Fire Prevention Code,” and the codes and standards adopted by the Florida Fire Prevention Code. If there is a dispute or disagreement between a fire official and a building official, the dispute must be brought to

the attention of the State Fire Marshal to be resolved in accordance with Section 633.01(5) and Chapter 553, Florida Statutes.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal’s website at [http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement .htm](http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm).

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**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**

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

**NONE**

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

**NONE**

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

**NONE**

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