



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation

Date: March 13, 2012

NFPA Document Number: NFPA 101 ch. 43; 914

Edition: 2009

Paragraph Reference: 43.10

For purpose of this petition, pertinent factors do not include the name of the governmental agency or persons representing that agency. Petitioners are discouraged from making any personal assertions about an agency or agency official. If this involves an actual situation, briefly explain all of the pertinent factors.

Actual Situation Explanation:

I own an apartment hotel that is considered a "contributing historic building" that has never closed down. It has been selling short term rentals since 1936. The Fire Marshal, contrary to F.S. 633.0215(6), has made the determination on her own, as per her courtroom testimony, that in order for me to sell short-term rentals, I must do a change of use to a hotel. Property owner put forth testimony from an expert witness in zoning who stated that we are a "Permitted Use" as an apartment licensee and thus does not have to change to a hotel.

Question (*should be worded so that it can be answered with either "Yes" or "No"*):

Notwithstanding the above, if the Fire Marshal agrees that the property is "Historic", as per code, then is owner allowed to use NFPA 914, in lieu of ch. 28, as an optional compliance approach permitted by NFPA 101, i.e. ch. 43.10?

Answer:

Yes, compliance with NFPA 914 is one of the options listed in section 43.10.1 if the building is determined to be a historic structure by the Fire Marshal. The committee makes no determination regarding the petitioner's characterization of the circumstances and only responds to the question of NFPA 914 being utilized in a historic structure.

Committee Answer Submitted by,
Bart Wright, Chair
Informal Fire Code Interpretation Committee

Rulings herein expressed are not the formal position of the Florida State Fire Marshal's Office

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