



# Florida Division of State Fire Marshal

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

## **Informal Interpretation Request**

**Date:** 2/28/23

**NFPA Document Number:** NFPA 101

**Paragraph Reference:** 43.5.2 and 3.3.22.8 and 13.2.4.4

*Explain how the Petitioner's substantial interests are being affected by the LFO's interpretation of the NFPA citation above:*

The appeal process was bypassed by the City of Miami. The matter is in litigation in U.S. District Court for the Southern District of Florida, Miami Division, Case No. 21-cv-23485-RKA. The matter involves the immediate revocation of the Assembly's Certificate of Occupancy.

*Enter the Petitioner's question concerning an interpretation of the FFPC:*

The question concerns the independence of a fenced outdoor assembly occupancy and the assembly building that is adjacent to the fenced outdoor assembly occupancy. The fenced outdoor assembly occupancy has an approximate occupancy load of less than 300.

If there are 2 sufficient remotely located, dedicated to the fenced outdoor assembly occupancy, exits (101:13.2.4.4) located behind the adjacent assembly (building), is it correct that you cannot combine the outside fenced outdoor assembly occupancy load with the inside assembly building occupancy load to determine the occupancy load for the assembly building? The outside load plus inside load equaling the assembly load for building.

The fenced outdoor assembly occupancy is not in the building. In other words, is **it correct that the assembly building and the fenced outdoor assembly occupancy are two separate assembly areas (or assemblies) and should be kept independently separate when it comes to calculating occupancy load (101:13.1.7.1) and if rehabilitated, the total percentage of rehabilitation (101:43)?**

Answer: No

The 13.2.4.4. provision is an exception to the number of means of egress requirement of 7.4. This is made clear by 13.2.4.1. This section is not intended to create separate occupancies for the purposes of an occupant load calculation.

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

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**Region 1** - Delegate: **Byron Bennett**, Fire Chief North Bay Fire Control District  
Alternate: **William (Michael) Hall**, Fire Chief, Marianna Fire Rescue

**Region 2** – **Jason R. Greisl** Division Chief of Fire Prevention/Fire Marshal Tallahassee Fire

**Region 3** - Delegate: **James Groff**, Jacksonville Fire Rescue.  
Alternate: **Robert Growick** Division Chief /Fire Marshall City of St. Augustine

**Region 4** - Delegate: **Cheryl Edwards**, Lakeland Fire Rescue  
Alternate: **Karl Thompson**

**Region 5** - Delegate: **Anthony Apfelbeck**, Altamonte Springs Building and Fire Safety Department  
Alternate: **Christina Diaz**, Seminole County FL.

**Region 6** - Delegate: **Robert Salvaggio**, Cape Corral Fire Rescue  
Alternate: **Janet Washburn**,

**Region 7** - Delegate: **(Kenneth) Sean Brown**, Broward Sheriff Fire Rescue & Emergency Services Department

## Committee Region Map



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