Informal Interpretation Report
Number 8027

Date November 16, 2017

Edition 2014

Section 455

Question:

Is a dwelling unit licensed under section 509 Florida statutes as a vacation rental subject to section 455 of the Building Code and required to have fire sprinklers under section 903.2.8 FBC?

Answer

No. This committee has previously stated that a new Certificate of Occupancy (CO) is required when changing use to a vacation rental from an Florida Building Code-Residential SFD. While such a change of use would normally require fire sprinkler protection under FBC-Building 903.2.8 via the Florida Existing Building Code, the retrofit requirement for fire sprinklers for this particular change of use has been preempted via FS 633.208 (10). FS 633.208 (10) states "Notwithstanding subsection (8), a property owner may not be required to install fire sprinklers in any residential property based upon the use of such property as a rental property or any change in or reclassification of the property's primary use to a rental property." This language was specifically targeted at jurisdictions that were requiring fire sprinkler protection retrofit of vacation rentals as required in the Florida Fire Prevention Code. While FS 633.208 (10) is contained in Chapter 633 Fire Prevention and Control, the scope of the language in FS 633.208 (10) does not appear in anyway limited to the code applications under FS 633. Therefore, as long as the single family dwelling changes use from an Florida Building Code-Residential single-family dwelling to an R-3 single family dwelling rental under the FBC-Building, then fire sprinkler protection would not be required due to the provisions of FS 633.208 (10) as it is just a change to a rental under the statutory provision of FS 633.208 (10). (Note: If the FBC-Residential SFD changed use to an R-3 with an intensity beyond a single family dwelling, then 903.2.8 would apply as the change of use would exceed the scope allowance of FS 633.208 (10). An example would be if a change of use occurred from an FBC-Residential SFD to a FBC-Building R-3 boarding house or dwelling that permits occupancy of more than a single dwelling unit. in those examples, fire sprinkler protection would be appropriate and required under the code.)

Commentary:

None

Notice:
The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this

interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.