

Bill No. SB 2546

Barcode 831894

CHAMBER ACTION

Senate

House

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The Committee on Education (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 1013.12, Florida Statutes, is amended to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.--The State Board of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of State Requirements for Educational Facilities or the Florida Building Code for educational facilities construction as provided in ss. 1013.37 and 1013.371(2) ~~s. 1013.37~~, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform firesafety standards for educational and ancillary plants and educational facilities, as provided in s. 633.022(1)(b), and a firesafety

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1 evaluation system to be used as an alternate firesafety
2 inspection standard for existing educational and ancillary
3 plants and educational facilities. The uniform firesafety
4 standards and the alternate firesafety evaluation system shall
5 be administered and enforced by board ~~local~~ fire officials
6 that may be employed by or under contract with the board. The
7 board fire officials must be certified by the State Fire
8 Marshal, in accordance with s. 633.081(2). These standards
9 must also be used by all public agencies when inspecting
10 public educational and ancillary plants, and the firesafety
11 standards must be used by local fire officials when performing
12 firesafety inspections of public educational and ancillary
13 plants and educational facilities. In accordance with such
14 standards, each board shall prescribe policies and procedures
15 establishing a comprehensive program of safety and sanitation
16 for the protection of occupants of public educational and
17 ancillary plants. Such policies must contain procedures for
18 periodic inspections as prescribed herein and for withdrawal
19 of any educational and ancillary plant, or portion thereof,
20 from use until unsafe or unsanitary conditions are corrected
21 or removed.

22 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
23 BOARDS.--

24 (a) Each board shall provide for periodic inspection,
25 other than firesafety inspection, of each educational and
26 ancillary plant at least once during each fiscal year to
27 determine compliance with standards of sanitation and casualty
28 safety prescribed in the rules of the State Board of
29 Education.

30 (b) Firesafety inspections of each educational and
31 ancillary plant must be made annually by persons certified by

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1 the Division of State Fire Marshal to be eligible to conduct
 2 firesafety inspections in public educational and ancillary
 3 plants. The board shall submit a copy of the firesafety
 4 inspection report to the State Fire Marshal ~~and, if there is a~~
 5 ~~local fire official who conducts firesafety inspections, to~~
 6 ~~the local fire official.~~

7 (c) In each firesafety inspection report, the board
 8 shall include a plan of action and a schedule for the
 9 correction of each deficiency which have been formulated in
 10 consultation with the board fire official ~~local fire control~~
 11 ~~authority~~. If immediate life-threatening deficiencies are
 12 noted in any inspection, the board shall either take action to
 13 promptly correct the deficiencies or withdraw the educational
 14 or ancillary plant from use until such time as the
 15 deficiencies are corrected, subject to review by the State
 16 Fire Marshal, who shall act within 10 days to ensure that the
 17 deficiencies are corrected or withdraw the facility from use.

18 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 19 AGENCIES.--

20 (a) A safety or sanitation inspection of any
 21 educational or ancillary plant may be made at any time by the
 22 Department of Education or any other state or local agency
 23 authorized or required to conduct such inspections by either
 24 general or special law. Each agency conducting inspections
 25 shall use the standards adopted by the Commissioner of
 26 Education in lieu of, and to the exclusion of, any other
 27 inspection standards prescribed either by statute or
 28 administrative rule. The agency shall submit a copy of the
 29 inspection report to the board.

30 (b) One firesafety inspection of each educational or
 31 ancillary plant must be conducted each fiscal year by the

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1 county, municipality, or special fire control district in
 2 which the plant is located using the standards adopted by the
 3 State Fire Marshal. The board shall cooperate with the
 4 inspecting authority when a firesafety inspection is made by a
 5 governmental authority under this paragraph. The agency shall
 6 submit a copy of the inspection report to the board and to the
 7 State Fire Marshal.

8 (c) In each firesafety inspection report, the local
 9 fire official in conjunction with the board shall include a
 10 plan of action and a schedule for the correction of each
 11 deficiency. If immediate life-threatening deficiencies are
 12 noted in any inspection, the board shall either take action to
 13 promptly correct the deficiencies or withdraw the educational
 14 or ancillary plant ~~local fire official shall either take~~
 15 ~~action to require the board to promptly correct the~~
 16 ~~deficiencies or withdraw the educational facility~~ from use
 17 until the deficiencies are corrected, subject to review by the
 18 State Fire Marshal who shall act within 10 days to ensure that
 19 the deficiencies are corrected or withdraw the facility from
 20 use.

21 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
 22 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
 23 corrective action within a reasonable time, the agency making
 24 the inspection, other than a local fire official, may request
 25 the commissioner to:

26 (a) Order that appropriate action be taken to correct
 27 all deficiencies in accordance with a schedule determined
 28 jointly by the inspecting authority and the board; in
 29 developing the schedule, consideration must be given to the
 30 seriousness of the deficiencies and the ability of the board
 31 to obtain the necessary funds; or

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1 (b) After 30 calendar days' notice to the board, order
2 all or a portion of the educational or ancillary plant
3 withdrawn from use until the deficiencies are corrected.

4 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
5 FACILITIES.--Firesafety inspections of community college and
6 university facilities shall comply with State Board of
7 Education rules.

8 (5) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
9 failure of the board to take corrective action within the time
10 designated in the plan of action to correct any firesafety
11 deficiency noted under paragraph (1)(c) or paragraph (2)(c),
12 the board or local fire official shall immediately report the
13 deficiency to the State Fire Marshal, who shall have
14 enforcement authority with respect to educational and
15 ancillary plants and educational facilities as provided in
16 chapter 633 for any other building or structure.

17 (6) ADDITIONAL STANDARDS.--In addition to any other
18 rules adopted under this section or s. 633.022, the State Fire
19 Marshal in consultation with the Department of Education shall
20 adopt and administer rules prescribing ~~the following~~ standards
21 for the life safety ~~and health~~ of occupants of educational and
22 ancillary plants.÷

23 ~~(a) The designation of serious life safety hazards,~~
24 ~~including, but not limited to, nonfunctional fire alarm~~
25 ~~systems, nonfunctional fire sprinkler systems, doors with~~
26 ~~padlocks or other locks or devices that preclude egress at any~~
27 ~~time, inadequate exits, hazardous electrical system~~
28 ~~conditions, potential structural failure, and storage~~
29 ~~conditions that create a fire hazard.~~

30 ~~(b) The proper placement of functional smoke and heat~~
31 ~~detectors and accessible, unexpired fire extinguishers.~~

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1 ~~(c) The maintenance of fire doors without doorstops or~~
2 ~~wedges improperly holding them open.~~

3 (7) FIRESAFETY STANDARDS FOR NEW CONSTRUCTION.--The
4 architectural design and plans for the construction of new
5 public educational and ancillary plants and educational
6 facilities or for the modification of existing plants and
7 facilities are not subject to the jurisdiction of local fire
8 officials. However, a local fire official may be requested to
9 resolve an ambiguity in the uniform firesafety standards with
10 respect to new construction or the modification of an existing
11 facility. The local fire official shall provide such
12 assistance at no cost to the district school board. This
13 subsection does not prohibit the board from entering into an
14 agreement or understanding with the local fire official to
15 provide inspection of or plan review services for new
16 construction or renovation of educational or ancillary plants
17 in the subject jurisdiction.

18 ~~(8)(7)~~ ANNUAL REPORT.--The State Fire Marshal shall
19 publish an annual report to be filed with the substantive
20 committees of the state House of Representatives and Senate
21 having jurisdiction over education, the Commissioner of
22 Education or his or her successor, and the Governor
23 documenting the status of each board's firesafety program,
24 including the improvement or lack thereof.

25 Section 2. This act shall take effect July 1, 2006.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act relating to public educational
4 facilities; amending s. 1013.12, F.S.;
5 clarifying that the architectural design and
6 plans for constructing new educational plants
7 and facilities or for modifying existing plants
8 and facilities are not subject to the
9 jurisdiction of local fire officials;
10 authorizing a district school board to request
11 that a local fire official resolve an ambiguity
12 in the uniform firesafety standards with
13 respect to new or modified construction;
14 requiring that such assistance be provided at
15 no cost; providing an effective date.

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