

By the Committee on Community Affairs; and Senators Wise and Detert

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1                                   A bill to be entitled  
2       An act relating to firesafety; amending s. 633.01,  
3       F.S.; revising the rulemaking authority and  
4       responsibilities of the State Fire Marshal relating to  
5       educational and ancillary plants; amending s. 633.021,  
6       F.S.; revising the definition of the term "firesafety  
7       inspector"; amending s. 633.081, F.S.; revising  
8       requirements and procedures for inspections of  
9       buildings and equipment; abolishing special state  
10      firesafety inspector classifications and  
11      certifications; providing criteria, procedures, and  
12      requirements for special state firesafety inspectors  
13      to be certified as firesafety inspectors; authorizing  
14      the State Fire Marshal to develop an advanced training  
15      and certification program for certain firesafety  
16      inspectors; specifying program requirements; requiring  
17      the State Fire Marshal and the Florida Building Code  
18      Administrators and Inspectors Board to enter into a  
19      reciprocity agreement to recognize certain continuing  
20      education recertification hours for certain purposes;  
21      amending s. 1013.12, F.S.; revising procedures and  
22      requirements for certain standards and inspection of  
23      educational property; providing procedures, criteria,  
24      and requirements for inspections of certain charter  
25      schools; providing reporting requirements; amending s.  
26      1013.371, F.S.; revising firesafety inspection  
27      requirements for educational institution boards to  
28      conform to certain codes; revising certain code  
29      enforcement authority of such boards; amending s.

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30 1013.38, F.S.; requiring educational institution  
31 boards to submit certain facility site plans to  
32 certain local governmental entities for review;  
33 authorizing such entities to review site plans for  
34 compliance with certain provisions of the Florida Fire  
35 Prevention Code; specifying that site plans are not  
36 subject to local ordinances or local amendments to the  
37 Florida Fire Prevention Code; providing criteria for  
38 approving site plans and correcting firesafety  
39 compliance deficiencies; providing for referral of  
40 disputes to the State Fire Marshal; authorizing such  
41 boards to use certain firesafety inspectors for  
42 certain compliance reviews; imposing additional  
43 requirements for such boards relating to construction,  
44 renovation, or remodeling of educational facilities;  
45 providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Subsection (7) of section 633.01, Florida  
50 Statutes, is amended to read:

51 633.01 State Fire Marshal; powers and duties; rules.-

52 (7) The State Fire Marshal, in consultation with the  
53 Department of Education, shall adopt and administer rules  
54 prescribing standards for the safety and health of occupants of  
55 educational and ancillary facilities pursuant to ss. 633.022,  
56 1013.12, 1013.37, and 1013.371. In addition, in any county that  
57 does not employ or appoint a firesafety inspector certified  
58 under s. 633.081 ~~local fire official~~, the State Fire Marshal

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59 shall assume the duties of the local county, municipality, or  
60 independent special fire control district as defined in s.  
61 191.003 ~~fire official~~ with respect to firesafety inspections of  
62 educational property required under s. 1013.12(3)(b), and the  
63 State Fire Marshal may take necessary corrective action as  
64 authorized under s. 1013.12(7)~~(6)~~.

65 Section 2. Subsection (10) of section 633.021, Florida  
66 Statutes, is amended to read:

67 633.021 Definitions.—As used in this chapter:

68 (10) A “firesafety inspector” is an individual certified by  
69 the State Fire Marshal under s. 633.081 who is officially  
70 assigned the duties of conducting firesafety inspections of  
71 buildings and facilities on a recurring or regular basis ~~on~~  
72 ~~behalf of the state or any county, municipality, or special~~  
73 ~~district with firesafety responsibilities.~~

74 Section 3. Section 633.081, Florida Statutes, is amended to  
75 read:

76 633.081 Inspection of buildings and equipment; orders;  
77 firesafety inspection training requirements; certification;  
78 disciplinary action.—The State Fire Marshal and her or his  
79 agents shall, at any reasonable hour, when the State Fire  
80 Marshal department has reasonable cause to believe that a  
81 violation of this chapter or s. 509.215, or a rule promulgated  
82 thereunder, or a minimum firesafety code adopted by the State  
83 Fire Marshal or a local authority, may exist, inspect any and  
84 all buildings and structures which are subject to the  
85 requirements of this chapter or s. 509.215 and rules promulgated  
86 thereunder. The authority to inspect shall extend to all  
87 equipment, vehicles, and chemicals which are located on or

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88 within the premises of any such building or structure.

89 (1) Each county, municipality, and special district that  
90 has firesafety enforcement responsibilities shall employ or  
91 contract with a firesafety inspector. The firesafety inspector  
92 must conduct all firesafety inspections that are required by  
93 law. The governing body of a county, municipality, or special  
94 district that has firesafety enforcement responsibilities may  
95 provide a schedule of fees to pay only the costs of inspections  
96 conducted pursuant to this subsection and related administrative  
97 expenses. Two or more counties, municipalities, or special  
98 districts that have firesafety enforcement responsibilities may  
99 jointly employ or contract with a firesafety inspector.

100 (2) Every firesafety inspection conducted pursuant to state  
101 or local firesafety requirements shall be by a person certified  
102 as having met the inspection training requirements set by the  
103 State Fire Marshal. Such person shall:

104 (a) Be a high school graduate or the equivalent as  
105 determined by the department;

106 (b) Not have been found guilty of, or having pleaded guilty  
107 or nolo contendere to, a felony or a crime punishable by  
108 imprisonment of 1 year or more under the law of the United  
109 States, or of any state thereof, which involves moral turpitude,  
110 without regard to whether a judgment of conviction has been  
111 entered by the court having jurisdiction of such cases;

112 (c) Have her or his fingerprints on file with the  
113 department or with an agency designated by the department;

114 (d) Have good moral character as determined by the  
115 department;

116 (e) Be at least 18 years of age;

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117 (f) Have satisfactorily completed the firesafety inspector  
118 certification examination as prescribed by the department; and

119 (g)1. Have satisfactorily completed, as determined by the  
120 department, a firesafety inspector training program of not less  
121 than 200 hours established by the department and administered by  
122 agencies and institutions approved by the department for the  
123 purpose of providing basic certification training for firesafety  
124 inspectors; or

125 2. Have received in another state training which is  
126 determined by the department to be at least equivalent to that  
127 required by the department for approved firesafety inspector  
128 education and training programs in this state.

129 (3)(a)1. Effective July 1, 2012, the classification of  
130 special state firesafety inspector is abolished and all special  
131 state firesafety inspector certifications shall expire at  
132 midnight June 30, 2012.

133 2. Any person who is a special state firesafety inspector  
134 on June 30, 2012, and who has failed to comply with paragraph  
135 (b) or paragraph (c) may not perform any firesafety inspection  
136 required by law.

137 3. A special state firesafety inspector certificate may not  
138 be issued after June 30, 2010.

139 (b)1. Any person who is a special state firesafety  
140 inspector on July 1, 2010, and who has at least 5 years of  
141 experience as a special state firesafety inspector as of July 1,  
142 2010, may take the firesafety inspection examination as provided  
143 in paragraph (2)(f) for firesafety inspectors before July 1,  
144 2012, to be certified as a firesafety inspector under this  
145 section.

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146 2. Upon passing the examination, the person shall be  
147 certified as a firesafety inspector as provided in this section.

148 3. A person who fails to become certified must comply with  
149 paragraph (c) to be certified as a firesafety inspector under  
150 this section.

151 (c)1. To be certified as a firesafety inspector under this  
152 section, any person who:

153 a. Is a special state firesafety inspector on July 1, 2010,  
154 and who does not have 5 years of experience as a special state  
155 firesafety inspector as of July 1, 2010; or

156 b. Has 5 years of experience as a special state firesafety  
157 inspector but has failed the examination taken as provided in  
158 paragraph (2) (f), must take an additional 80 hours of the  
159 courses described in paragraph (2) (g).

160 2. After successfully completing the courses described in  
161 this paragraph, such person may take the firesafety inspection  
162 examination as provided in paragraph (2) (f), if such examination  
163 is taken before July 1, 2012.

164 3. Upon passing the examination, the person shall be  
165 certified as a firesafety inspector as provided in this section.

166 4. A person who fails the course of study or the  
167 examination described in this paragraph may not perform any  
168 firesafety inspection required by law on or after July 1, 2012.  
169 ~~Each special state firesafety inspection which is required by~~  
170 ~~law and is conducted by or on behalf of an agency of the state~~  
171 ~~must be performed by an individual who has met the provision of~~  
172 ~~subsection (2), except that the duration of the training program~~  
173 ~~shall not exceed 120 hours of specific training for the type of~~  
174 ~~property that such special state firesafety inspectors are~~

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175 ~~assigned to inspect.~~

176 (4) A firefighter certified pursuant to s. 633.35 may  
177 conduct firesafety inspections, under the supervision of a  
178 certified firesafety inspector, while on duty as a member of a  
179 fire department company conducting inservice firesafety  
180 inspections without being certified as a firesafety inspector,  
181 if such firefighter has satisfactorily completed an inservice  
182 fire department company inspector training program of at least  
183 24 hours' duration as provided by rule of the department.

184 (5) Every firesafety inspector ~~or special state firesafety~~  
185 ~~inspector~~ certificate is valid for a period of 3 years from the  
186 date of issuance. Renewal of certification shall be subject to  
187 the affected person's completing proper application for renewal  
188 and meeting all of the requirements for renewal as established  
189 under this chapter or by rule adopted under this chapter  
190 ~~promulgated thereunder~~, which shall include completion of at  
191 least 40 hours during the preceding 3-year period of continuing  
192 education as required by the rule of the department or, in lieu  
193 thereof, successful passage of an examination as established by  
194 the department.

195 (6) The State Fire Marshal may deny, refuse to renew,  
196 suspend, or revoke the certificate of a firesafety inspector ~~or~~  
197 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~  
198 finds that any of the following grounds exist:

199 (a) Any cause for which issuance of a certificate could  
200 have been refused had it then existed and been known to the  
201 State Fire Marshal.

202 (b) Violation of this chapter or any rule or order of the  
203 State Fire Marshal.

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204 (c) Falsification of records relating to the certificate.

205 (d) Having been found guilty of or having pleaded guilty or  
206 nolo contendere to a felony, whether or not a judgment of  
207 conviction has been entered.

208 (e) Failure to meet any of the renewal requirements.

209 (f) Having been convicted of a crime in any jurisdiction  
210 which directly relates to the practice of fire code inspection,  
211 plan review, or administration.

212 (g) Making or filing a report or record that the  
213 certificateholder knows to be false, or knowingly inducing  
214 another to file a false report or record, or knowingly failing  
215 to file a report or record required by state or local law, or  
216 knowingly impeding or obstructing such filing, or knowingly  
217 inducing another person to impede or obstruct such filing.

218 (h) Failing to properly enforce applicable fire codes or  
219 permit requirements within this state which the  
220 certificateholder knows are applicable by committing willful  
221 misconduct, gross negligence, gross misconduct, repeated  
222 negligence, or negligence resulting in a significant danger to  
223 life or property.

224 (i) Accepting labor, services, or materials at no charge or  
225 at a noncompetitive rate from any person who performs work that  
226 is under the enforcement authority of the certificateholder and  
227 who is not an immediate family member of the certificateholder.  
228 For the purpose of this paragraph, the term "immediate family  
229 member" means a spouse, child, parent, sibling, grandparent,  
230 aunt, uncle, or first cousin of the person or the person's  
231 spouse or any person who resides in the primary residence of the  
232 certificateholder.

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233 (7) The department shall provide by rule for the  
234 certification of firesafety inspectors.

235 (8) The State Fire Marshal may develop by rule an advanced  
236 training and certification program for firesafety inspectors  
237 with fire code management responsibilities. This program must be  
238 consistent with the appropriate provisions of National Fire  
239 Protection Association publication NFPA No. 1037 or similar  
240 standards adopted by the division. The program must establish  
241 minimum training, education, and experience levels for fire  
242 safety inspectors with fire code management responsibilities.

243 (9) The Division of State Fire Marshal, and the Florida  
244 Building Code Administrators and Inspectors Board established  
245 pursuant to s. 468.605, shall enter into a reciprocity agreement  
246 to facilitate joint recognition of continuing education  
247 recertification hours for certificateholders licensed in  
248 accordance with s. 468.609 and firesafety inspectors certified  
249 under this section.

250 Section 4. Section 1013.12, Florida Statutes, is amended to  
251 read:

252 1013.12 Casualty, safety, sanitation, and firesafety  
253 standards and inspection of property.-

254 (1) FIRESAFETY.-The State Board of Education shall adopt  
255 and administer rules prescribing standards for the safety and  
256 health of occupants of educational and ancillary plants as a  
257 part of State Requirements for Educational Facilities or the  
258 Florida Building Code for educational facilities construction as  
259 provided in s. 1013.37, except that the State Fire Marshal in  
260 consultation with the Department of Education shall adopt  
261 uniform firesafety standards for educational and ancillary

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262 plants and educational facilities, as provided in s.  
263 633.022(1)(b), and a firesafety evaluation system to be used as  
264 an alternate firesafety inspection standard for existing  
265 educational and ancillary plants and educational facilities. The  
266 uniform firesafety standards and the alternate firesafety  
267 evaluation system shall be administered and enforced by ~~local~~  
268 fire officials certified by the State Fire Marshal under s.  
269 633.081. These standards must be used by all public agencies  
270 when inspecting public educational and ancillary plants, and the  
271 firesafety standards must be used by county, municipal, or  
272 independent special ~~local~~ fire control district inspectors  
273 ~~officials~~ when performing firesafety inspections of public  
274 educational and ancillary plants and educational facilities. In  
275 accordance with such standards, each board shall prescribe  
276 policies and procedures establishing a comprehensive program of  
277 safety and sanitation for the protection of occupants of public  
278 educational and ancillary plants. Such policies must contain  
279 procedures for periodic inspections as prescribed in this  
280 section or chapter 633 and for withdrawal of any educational and  
281 ancillary plant, or portion thereof, from use until unsafe or  
282 unsanitary conditions are corrected or removed.

283 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
284 BOARDS.—

285 (a) Each board shall provide for periodic inspection, other  
286 than firesafety inspection, of each educational and ancillary  
287 plant at least once during each fiscal year to determine  
288 compliance with standards of sanitation and casualty safety  
289 prescribed in the rules of the State Board of Education.

290 (b) Each school cafeteria must post in a visible location

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291 and on the school website the school's semiannual sanitation  
292 certificate and a copy of its most recent sanitation inspection  
293 report.

294 (c) Under the direction of the fire official appointed by  
295 the board under s. 1013.371(2), firesafety inspections of each  
296 educational and ancillary plant located on property owned or  
297 leased by the board, or other educational facilities operated by  
298 the board, must be made no sooner than 1 year after issuance of  
299 a certificate of occupancy and annually thereafter. Such  
300 inspections shall be made by persons certified by the Division  
301 of State Fire Marshal under s. 633.081 to be eligible to conduct  
302 firesafety inspections in public educational and ancillary  
303 plants. The board shall submit a copy of the firesafety  
304 inspection report to the county, municipality, or independent  
305 special fire control district providing fire protection services  
306 to the school facility within 10 business days after the date of  
307 the inspection. Alternate schedules for delivery of reports may  
308 be agreed upon between the school district and the county,  
309 municipality, or independent special fire control district  
310 providing fire protection services to the site in cases in which  
311 delivery is impossible due to hurricanes or other natural  
312 disasters. Regardless, if immediate life-threatening  
313 deficiencies are noted in the report, the report shall be  
314 delivered immediately State Fire Marshal and, if there is a  
315 local fire official who conducts firesafety inspections, to the  
316 local fire official. In addition, the board and any other  
317 authority conducting the fire safety inspection shall certify to  
318 the State Fire Marshal that the annual inspection has been  
319 completed. The certification shall be made electronically or by

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320 such other means as directed by the State Fire Marshal.

321 (d) In each firesafety inspection report, the board shall  
322 include a plan of action and a schedule for the correction of  
323 each deficiency ~~which have been formulated in consultation with~~  
324 ~~the local fire control authority~~. If immediate life-threatening  
325 deficiencies are noted in any inspection, the board shall ~~either~~  
326 take action to promptly correct the deficiencies or withdraw the  
327 educational or ancillary plant from use until such time as the  
328 deficiencies are corrected.

329 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
330 AGENCIES.—

331 (a) A safety or sanitation inspection of any educational or  
332 ancillary plant may be made at any time by the Department of  
333 Education or any other state or local agency authorized or  
334 required to conduct such inspections by either general or  
335 special law. Each agency conducting inspections shall use the  
336 standards adopted by the Commissioner of Education in lieu of,  
337 and to the exclusion of, any other inspection standards  
338 prescribed either by statute or administrative rule. The agency  
339 shall submit a copy of the inspection report to the board.

340 (b) One firesafety inspection of each educational or  
341 ancillary plant located on the property owned or leased by the  
342 board, or other educational or ancillary plants operated by the  
343 school board, and each public college may ~~must~~ be conducted no  
344 sooner than 1 year after the issuance of the certificate of  
345 occupancy and annually thereafter ~~each fiscal year~~ by the  
346 county, municipality, or independent special fire control  
347 district in which the plant is located using the standards  
348 adopted by the State Fire Marshal. The board or public college

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349 shall cooperate with the inspecting authority when a firesafety  
350 inspection is made by a governmental authority under this  
351 paragraph.

352 (c) In each firesafety inspection report prepared pursuant  
353 to this subsection, the county, municipality, or independent  
354 special local fire control district, official in conjunction  
355 with the board, shall include a plan of action and a schedule  
356 for the correction of each deficiency. If immediate life-  
357 threatening deficiencies are noted in any inspection, the local  
358 county, municipality, or independent special fire control  
359 district, in conjunction with the fire official appointed by the  
360 board, shall either take action to require the board to promptly  
361 correct the deficiencies or withdraw the educational or  
362 ancillary plant facility from use until the deficiencies are  
363 corrected, subject to review by the State Fire Marshal who shall  
364 act within 10 days to ensure that the deficiencies are corrected  
365 or withdraw the plant facility from use.

366 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY  
367 DEFICIENCIES.—Upon failure of the board to take corrective  
368 action within a reasonable time, the agency making the  
369 inspection, other than a local fire official, may request the  
370 commissioner to:

371 (a) Order that appropriate action be taken to correct all  
372 deficiencies in accordance with a schedule determined jointly by  
373 the inspecting authority and the board; in developing the  
374 schedule, consideration must be given to the seriousness of the  
375 deficiencies and the ability of the board to obtain the  
376 necessary funds; or

377 (b) After 30 calendar days' notice to the board, order all

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378 or a portion of the educational or ancillary plant withdrawn  
379 from use until the deficiencies are corrected.

380 (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-  
381 OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL  
382 BOARD.-

383 (a) A safety or sanitation inspection of any educational or  
384 ancillary plant may be made at any time by a state or local  
385 agency authorized or required to conduct such inspections by  
386 general or special law. The agency shall submit a copy of the  
387 inspection report to the charter school sponsor.

388 (b) One firesafety inspection of each charter school that  
389 is not located in facilities owned or leased by the board or a  
390 public college must be conducted each fiscal year by the county,  
391 municipality, or independent special fire control district in  
392 which the charter school is located using the standards adopted  
393 by the State Fire Marshal. Upon request, the inspecting  
394 authority shall provide a copy of each firesafety report to the  
395 board in the district in which the facility is located.

396 (c) In each firesafety inspection report and formulated in  
397 consultation with the charter school, the inspecting authority  
398 shall include a plan of action and a schedule for the correction  
399 of each deficiency. If any immediate life-threatening deficiency  
400 is noted in any inspection, the inspecting authority shall take  
401 action to require the charter school to promptly correct each  
402 deficiency or withdraw the educational or ancillary plant from  
403 use until such time as all deficiencies are corrected.

404 (d) If the charter school fails to take corrective action  
405 within the period designated in the plan of action to correct  
406 any firesafety deficiency noted under paragraph (c), the county,

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407 municipality, or independent special fire control district shall  
408 immediately report the deficiency to the State Fire Marshal and  
409 the charter school sponsor. The State Fire Marshal shall have  
410 enforcement authority with respect to charter school educational  
411 and ancillary plants and educational facilities as provided in  
412 chapter 633 for any building or structure.

413 (6)~~(5)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
414 FACILITIES.-

415 (a) Firesafety inspections of public ~~community~~ college  
416 facilities, including charter schools located on board-owned or  
417 board-leased facilities or otherwise operated by public college  
418 boards, shall be made in accordance ~~comply~~ with the Florida Fire  
419 Prevention Code, as adopted by the State Fire Marshal.  
420 Notwithstanding s. 633.0215, provisions of the code relating to  
421 inspections of such facilities may not be subject to any local  
422 amendments as provided by s. 1013.371. Each public college  
423 facility shall be inspected annually by persons certified under  
424 s. 633.081 ~~Board of Education~~ rules.

425 (b) After each required firesafety inspection, the  
426 inspecting authority shall develop a plan of action to correct  
427 each deficiency identified. The public college shall provide a  
428 copy of each firesafety inspection report to the county,  
429 municipality, or independent special fire control district in  
430 which the facility is located.

431 (c)~~(b)~~ Firesafety inspections of state universities shall  
432 comply with the Florida Fire Prevention Code, as adopted by the  
433 State Fire Marshal under s. 633.0215 ~~rules of the Board of~~  
434 Governors.

435 (7)~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.-If a

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436 school ~~Upon failure of the board, public college board, or~~  
437 charter school fails to correct any firesafety deficiency noted  
438 under this section ~~take corrective action~~ within the time  
439 designated in the plan of action ~~to correct any firesafety~~  
440 ~~deficiency noted under paragraph (2) (d) or paragraph (3) (c), the~~  
441 inspecting authority ~~local fire official~~ shall immediately  
442 report the deficiency to the State Fire Marshal, who shall have  
443 enforcement authority with respect to educational and ancillary  
444 plants and educational facilities as provided in chapter 633 for  
445 any other building or structure.

446 (8) ~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other rules  
447 adopted under this section or s. 633.022, the State Fire Marshal  
448 in consultation with the Department of Education shall adopt and  
449 administer rules prescribing the following standards for the  
450 safety and health of occupants of educational and ancillary  
451 plants:

452 (a) The designation of serious life-safety hazards,  
453 including, but not limited to, nonfunctional fire alarm systems,  
454 nonfunctional fire sprinkler systems, doors with padlocks or  
455 other locks or devices that preclude egress at any time,  
456 inadequate exits, hazardous electrical system conditions,  
457 potential structural failure, and storage conditions that create  
458 a fire hazard.

459 (b) The proper placement of functional smoke and heat  
460 detectors and accessible, unexpired fire extinguishers.

461 (c) The maintenance of fire doors without doorstops or  
462 wedges improperly holding them open.

463 ~~(8) ANNUAL REPORT.—The State Fire Marshal shall publish an~~  
464 ~~annual report to be filed with the substantive committees of the~~

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465 ~~state House of Representatives and Senate having jurisdiction~~  
466 ~~over education, the Commissioner of Education or his or her~~  
467 ~~successor, the State Board of Education, the Board of Governors,~~  
468 ~~and the Governor documenting the status of each board's~~  
469 ~~firesafety program, including the improvement or lack thereof.~~

470 Section 5. Paragraph (a) of subsection (1) and subsection  
471 (2) of section 1013.371, Florida Statutes, are amended to read:  
472 1013.371 Conformity to codes.—

473 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE  
474 PREVENTION CODE REQUIRED FOR APPROVAL.—

475 (a) Except as otherwise provided in paragraph (b), all  
476 public educational and ancillary plants constructed by a board  
477 must conform to the Florida Building Code and the Florida Fire  
478 Prevention Code, and the plants are exempt from all other state  
479 building codes; county, municipal, or other local amendments to  
480 the Florida Building Code and local amendments to the Florida  
481 Fire Prevention Code; building permits, and assessments of fees  
482 for building permits, except as provided in s. 553.80;  
483 ordinances; road closures; and impact fees or service  
484 availability fees. Any inspection by local or state government  
485 must be based on the Florida Building Code and the Florida Fire  
486 Prevention Code. Each board shall provide for periodic  
487 inspection of the proposed educational plant during each phase  
488 of construction to determine compliance with the Florida  
489 Building Code, the Florida Fire Prevention Code, and the State  
490 Requirements for Educational Facilities.

491 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each  
492 board to ensure that all plans and educational and ancillary  
493 plants meet the standards of the Florida Building Code and the

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494 Florida Fire Prevention Code and to provide for the enforcement  
495 of these codes in the areas of its jurisdiction. Each board  
496 shall provide for the proper supervision and inspection of the  
497 work. Each board may employ a chief building official ~~or~~  
498 ~~inspector~~ and such other inspectors, who have been certified  
499 pursuant to chapter 468, and a fire official and such other  
500 inspectors, who have been certified pursuant to chapter 633, and  
501 such personnel as ~~are~~ necessary to administer and enforce the  
502 provisions of such codes ~~this code~~. Boards may also use local  
503 building department inspectors who are certified by the  
504 department to enforce the Florida Building Code and the State  
505 Requirements for Educational Facilities ~~this code~~. Boards may  
506 also use local county, municipal, or independent special fire  
507 control district firesafety inspectors who are certified by the  
508 State Fire Marshal to conduct reviews of site plans and  
509 inspections and to enforce the Florida Fire Prevention Code.  
510 Plans or facilities that fail to meet the standards of the  
511 Florida Building Code or the Florida Fire Prevention Code may  
512 not be approved. When planning for and constructing an  
513 educational, auxiliary, or ancillary facility, a board must use  
514 construction materials and systems that meet standards adopted  
515 pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual  
516 construction of a facility deviates from the adopted standards,  
517 the board must, at a public hearing, quantify and compare the  
518 costs of constructing the facility with the proposed deviations  
519 and in compliance with the adopted standards and the Florida  
520 Building Code. The board must explain the reason for the  
521 proposed deviations and compare how the total construction costs  
522 and projected life-cycle costs of the facility or component

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523 system of the facility would be affected by implementing the  
524 proposed deviations rather than using materials and systems that  
525 meet the adopted standards.

526 Section 6. Section 1013.38, Florida Statutes, is amended to  
527 read:

528 1013.38 Boards to ensure that facilities comply with  
529 building codes and life safety codes.-

530 (1) Boards shall ensure that all new construction,  
531 renovation, remodeling, day labor, and maintenance projects  
532 conform to the appropriate sections of the Florida Building  
533 Code, Florida Fire Prevention Code, or, where applicable as  
534 authorized in other sections of law, other building codes, and  
535 life safety codes.

536 (a) For each proposed new facility and each proposed new  
537 facility addition exceeding 2,500 square feet, the board shall  
538 submit for review a minimum of one copy of the site plan to the  
539 local county, municipality, or independent special fire control  
540 district providing fire-protection services to the facility.

541 (b) The local county, municipality, or independent special  
542 fire control district may review each site plan for compliance  
543 with the applicable provisions of the Florida Fire Prevention  
544 Code relating to fire department access roads, fire-protection  
545 system connection locations, and fire hydrant spacing. Such site  
546 plans are not subject to local amendments to the Florida Fire  
547 Prevention Code or local ordinances as provided in s. 1013.371.  
548 Site plan reviews conducted pursuant to this section shall be  
549 performed at no charge to the school board or public college  
550 board.

551 (c) The site plan shall be deemed approved unless the local

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552 county, municipality, or independent special fire control  
553 district submits to the fire official appointed by the board, in  
554 writing, any deficiencies identified with reference to specific  
555 provisions of the Florida Fire Prevention Code within 15 days  
556 after receipt of the site plan. The fire official shall  
557 incorporate such comments into his or her review and subsequent  
558 inspections.

559 (d) If the local county, municipality, or independent  
560 special fire control district and the fire official appointed by  
561 the board do not agree on the requirements or application of the  
562 Florida Fire Prevention Code, either party may refer the matter  
563 to the State Fire Marshal, who shall have final administrative  
564 authority in resolving the matter.

565 (2) In addition to the submission of site plans, boards may  
566 provide compliance as follows:

567 (a) Boards or consortia may individually or cooperatively  
568 provide review services under the insurance risk management  
569 oversight through the use of board employees or consortia  
570 employees, ~~registered pursuant to chapter 471, chapter 481, or~~  
571 part XII of chapter 468 and firesafety inspectors certified  
572 under s. 633.081.

573 (b) Boards may elect to review construction documents using  
574 their own employees registered pursuant to chapter 471, chapter  
575 481, or part XII of chapter 468 and firesafety inspectors  
576 certified under s. 633.081.

577 (c) Boards may submit phase III construction documents for  
578 review to the department.

579 (d) Boards or consortia may contract for plan review  
580 services directly with engineers and architects registered

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581 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
582 certified under s. 633.081.

583 (3) The Department of Management Services may, upon  
584 request, provide facilities services for the Florida School for  
585 the Deaf and the Blind, the Division of Blind Services, and  
586 public broadcasting. As used in this section, the term  
587 "facilities services" means project management, code and design  
588 plan review, and code compliance inspection for projects as  
589 defined in s. 287.017(1)(e).

590 (4) (a) Before the commencement of any new construction,  
591 renovation, or remodeling, the board shall:

592 1. Approve or cause to be approved the construction  
593 documents and evaluate such documents for compliance with the  
594 Florida Building Code and the Florida Fire Prevention Code.

595 2. Ensure compliance with all applicable firesafety codes  
596 and standards by contracting with a firesafety inspector  
597 certified by the State Fire Marshal under s. 633.081.

598 (b) A certificate of occupancy may not be issued until the  
599 board, through its designated certified building official, has  
600 determined that the building or structure and its site  
601 conditions comply with all applicable statutes and rules.

602 (c) The method of compliance as chosen by the board  
603 pursuant to subsection (2) shall be documented and maintained as  
604 part of the construction record file.

605 (d) Upon request by the local county, municipality, or  
606 independent special fire control district, the board shall  
607 provide reasonable access to all construction documents.

608 Section 7. This act shall take effect July 1, 2010.