

By Senator Stargel

15-00278C-16

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1 A bill to be entitled  
2 An act relating to firesafety; amending s. 633.202,  
3 F.S.; defining terms; revising provisions relating to  
4 certain structures located on agricultural property  
5 which are exempt from the Florida Fire Prevention  
6 Code; requiring that certain structures used for  
7 assembly, business, or mercantile activity be  
8 classified; specifying that certain structures are  
9 subject to annual inspection for classification;  
10 providing classifications; revising certain dimensions  
11 of a tent that is exempt from the code; requiring that  
12 the State Fire Marshal adopt rules; amending s.  
13 633.208, F.S.; authorizing a local fire official to  
14 consider a specified publication when identifying an  
15 alternative to a firesafety code; providing an  
16 effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (16) of section 633.202, Florida  
21 Statutes, is amended to read:

22 633.202 Florida Fire Prevention Code.—

23 (16) (a) As used in this subsection, the term:

24 1. "Agricultural pole barn" means a nonresidential farm  
25 building in which 70 percent or more of the perimeter walls are  
26 permanently open and allow free ingress and egress.

27 2. "Nonresidential farm building" has the same meaning as  
28 provided in s. 604.50.

29 (b) Notwithstanding any other provision of law, a

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30 ~~nonresidential farm building A structure, located on property~~  
31 ~~that is classified for ad valorem purposes as agricultural,~~  
32 ~~which is part of a farming or ranching operation,~~ in which the  
33 occupancy is limited by the property owner to no more than 35  
34 persons, ~~and which is not used by the public for direct sales or~~  
35 ~~as an educational outreach facility,~~ is exempt from the Florida  
36 Fire Prevention Code, including the national codes and Life  
37 Safety Code incorporated by reference. ~~This paragraph does not~~  
38 ~~include structures used for residential or assembly occupancies,~~  
39 ~~as defined in the Florida Fire Prevention Code.~~

40 (c) Notwithstanding any other provision of law, an  
41 agricultural pole barn is exempt from the Florida Fire  
42 Prevention Code, including the national codes and the Life  
43 Safety Code incorporated by reference.

44 (d) Notwithstanding any other provision of law, a structure  
45 on a farm as defined in s. 823.14(3)(a) which is used by an  
46 owner for assembly, business, or mercantile activity must be  
47 classified in one of the following classes:

48 1. Class 1: A nonresidential farm building that is used by  
49 the owner 12 times per year or fewer for assembly, business, or  
50 mercantile activity with up to 100 persons occupying the  
51 structure at one time. This class is not subject to the Florida  
52 Fire Prevention Code.

53 2. Class 2: A nonresidential farm building that is used by  
54 the owner for assembly, business, or mercantile activity with up  
55 to 300 persons occupying the structure at one time. A structure  
56 in this class is subject to annual inspection for classification  
57 by the local authority having jurisdiction. This class is not  
58 subject to the Florida Fire Prevention Code.

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59       3. Class 3: A new or an additional structure or facility  
60 constructed, or an existing structure, which is used primarily  
61 for housing, sheltering, or otherwise accommodating members of  
62 the general public. A structure or facility in this class is  
63 subject to annual inspection for classification by the local  
64 authority having jurisdiction. This class is subject to the  
65 Florida Fire Prevention Code.

66       (e) The State Fire Marshal shall adopt rules to administer  
67 this section, including, but not limited to:

68       1. The use of alternative lifesafety and fire prevention  
69 standards for structures in Classes 1 and 2;

70       2. Notification and inspection requirements for structures  
71 in Class 2;

72       3. The application of the Florida Fire Prevention Code for  
73 structures in Class 3; and

74       4. Any other standards or rules deemed necessary in order  
75 to facilitate the use of structures for assembly, business, or  
76 mercantile activities.

77       (17) ~~(b)~~ A tent up to 900 square 30 feet by 30 feet is  
78 exempt from the Florida Fire Prevention Code, including the  
79 national codes incorporated by reference.

80       Section 2. Subsection (5) of section 633.208, Florida  
81 Statutes, is amended to read:

82       633.208 Minimum firesafety standards.—

83       (5) With regard to existing buildings, the Legislature  
84 recognizes that it is not always practical to apply any or all  
85 of the provisions of the Florida Fire Prevention Code and that  
86 physical limitations may require disproportionate effort or  
87 expense with little increase in fire or life safety. Before

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88 ~~Prior to~~ applying the minimum firesafety code to an existing  
89 building, the local fire official shall determine whether ~~that~~ a  
90 threat to lifesafety or property exists. If a threat to  
91 lifesafety or property exists, the fire official shall apply the  
92 applicable firesafety code for existing buildings to the extent  
93 practical to ensure ~~assure~~ a reasonable degree of lifesafety and  
94 safety of property or the fire official shall fashion a  
95 reasonable alternative that ~~which~~ affords an equivalent degree  
96 of lifesafety and safety of property. The local fire official  
97 may consider the fire safety evaluation systems found in NFPA  
98 101A: Guide on Alternative Approaches to Life Safety, adopted by  
99 the State Fire Marshal, as acceptable systems for the  
100 identification of low-cost, reasonable alternatives. The  
101 decision of the local fire official may be appealed to the local  
102 administrative board described in s. 553.73.

103 Section 3. This act shall take effect July 1, 2016.