

By the Committees on Appropriations; and Banking and Insurance;
and Senator Stargel

576-03005-16

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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 agritourism activity be classified; providing criteria
8 for such classifications; providing that such
9 classifications are subject to annual inspection;
10 specifying applicable fire prevention standards for
11 each class; requiring that the State Fire Marshal
12 adopt rules; providing requirements for revising
13 certain dimensions of a tent that is exempt from the
14 code; amending s. 633.208, F.S.; authorizing a local
15 fire official to consider a specified publication when
16 identifying an alternative to a firesafety code;
17 providing an effective date.

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

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

23 633.202 Florida Fire Prevention Code.—

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

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

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

30 (b) Notwithstanding any other provision of law:

31 1. A nonresidential farm building ~~A structure, located on~~

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

42 2. An agricultural pole barn is exempt from the Florida
43 Fire Prevention Code, including the national codes and the Life
44 Safety Code incorporated by reference.

45 3. Except for an agricultural pole barn, a structure on a
46 farm as defined in s. 823.14(3) (a) which is used by an owner for
47 agritourism activity for which the owner receives consideration
48 must be classified in one of the following classes:

49 a. Class 1: A nonresidential farm building that is used by
50 the owner 12 times per year or fewer for agritourism activity
51 with up to 100 persons occupying the structure at one time. A
52 structure in this class is subject to annual inspection for
53 classification by the local authority having jurisdiction. This
54 class is not subject to the Florida Fire Prevention Code but is
55 subject to rules adopted by the State Fire Marshal pursuant to
56 this section.

57 b. Class 2: A nonresidential farm building that is used by
58 the owner for agritourism activity with up to 300 persons
59 occupying the structure at one time. A structure in this class
60 is subject to annual inspection for classification by the local

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61 authority having jurisdiction. This class is not subject to the
62 Florida Fire Prevention Code but is subject to rules adopted by
63 the State Fire Marshal pursuant to this section.

64 c. Class 3: A structure or facility that is used primarily
65 for housing, sheltering, or otherwise accommodating members of
66 the general public. A structure or facility in this class is
67 subject to annual inspection for classification by the local
68 authority having jurisdiction. This class is subject to the
69 Florida Fire Prevention Code.

70 (c) The State Fire Marshal shall adopt rules to administer
71 this section, including, but not limited to:

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

74 2. Notification and inspection requirements for structures
75 in Classes 1 and 2;

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

78 4. Any other standards or rules deemed necessary in order
79 to facilitate the use of structures for agritourism activities.

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

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

85 633.208 Minimum firesafety standards.—

86 (5) With regard to existing buildings, the Legislature
87 recognizes that it is not always practical to apply any or all
88 of the provisions of the Florida Fire Prevention Code and that
89 physical limitations may require disproportionate effort or

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

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