

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 431 — Fire Safety

by Regulatory Affairs Committee; Insurance and Banking Subcommittee; and Reps. Raburn, Combee, and others (CS/CS/SB 822 by Appropriations Committee; Banking and Insurance Committee; and Senator Stargel)

The bill makes changes related to the Florida Fire Prevention Code on agricultural property.

The bill defines an “Agricultural pole barn” and exempts them from the Florida Fire Prevention Code, National Codes and the Life Safety Code. The bill clarifies tents currently exempt from such codes can be any shape up to 900 square feet.

The bill defines a nonresidential farm building and establishes classes for use in which such buildings can be exempt from the Florida Fire Prevention Code, National Codes and the Life Safety Code:

- o Class 1: A nonresidential farm building that is used by the owner 12 times per year or fewer for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- o Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal.
- o Class 3: A structure or facility used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

The bill also requires the State Fire Marshal to adopt rules, including;

- o The use of alternative lifesafety and fire prevention standards for Classes 1 and 2;
- o Notification and inspection requirements for structures in Class 1 and Class 2;
- o The application of the Florida Fire Prevention Code for structures in Class 3; and
- o Any other standards or rules deemed necessary in order to facilitate the use of structures for agritourism activities.

Finally, the bill allows a local fire official to consider NFPA 101A: Guide on Alternative Approaches to Life Safety to identify low-cost, reasonable alternatives to fire safety.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 38-0; House 118-0