

By Senator Silver

38-390-01

1                                   A bill to be entitled  
2           An act relating to school safety; amending ss.  
3           235.06, 633.01, F.S.; transferring  
4           responsibility for the adoption and  
5           administration of rules prescribing firesafety  
6           standards for educational facilities from the  
7           Commissioner of Education to the State Fire  
8           Marshal; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 235.06, Florida Statutes, is  
13 amended to read:

14           235.06 Safety and sanitation standards and inspection  
15 of property.--The State Fire Marshal ~~Commissioner of Education~~  
16 shall adopt and administer rules prescribing standards for the  
17 safety and health of occupants of educational and ancillary  
18 plants as a part of the State Uniform Building Code for Public  
19 Educational Facilities Construction as provided in s. 235.26  
20 ~~the provisions of chapter 633 to the contrary notwithstanding.~~  
21 These standards must be used by all public agencies when  
22 inspecting public educational and ancillary plants. In  
23 accordance with such standards, each board shall prescribe  
24 policies and procedures establishing a comprehensive program  
25 of safety and sanitation for the protection of occupants of  
26 public educational and ancillary plants. Such policies must  
27 contain procedures for periodic inspections as prescribed  
28 herein and for withdrawal of any educational and ancillary  
29 plant, or portion thereof, from use until unsafe or unsanitary  
30 conditions are corrected or removed.

31           (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

1           (a) Each board shall provide for periodic inspection  
2 of each educational and ancillary plant at least once during  
3 each fiscal year to determine compliance with standards of  
4 sanitation and casualty safety prescribed by ~~in~~ the rules of  
5 the State Fire Marshal ~~commissioner~~.

6           (b) Firesafety inspections of each educational and  
7 ancillary plant must be made annually by persons certified by  
8 the Division of State Fire Marshal to be eligible to conduct  
9 firesafety inspections in public educational and ancillary  
10 plants.

11           (c) In each firesafety inspection report, the board  
12 shall include a plan of action and a schedule for the  
13 correction of each deficiency. If immediate life-threatening  
14 deficiencies are noted in any inspection, the board shall  
15 either take action to promptly correct the deficiencies or  
16 withdraw the educational or ancillary plant from use until  
17 such time as the deficiencies are corrected.

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 State Fire Marshal  
26 ~~Commissioner of Education~~ in lieu of, and to the exclusion of,  
27 any other inspection standards prescribed either by statute or  
28 administrative rule, ~~the provisions of chapter 633 to the~~  
29 ~~contrary notwithstanding~~. The agency shall submit a copy of  
30 the inspection report to the board.

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1           (b) In addition to school board inspections, the  
2 applicable local fire control authority shall also annually  
3 inspect educational facilities within its fire control  
4 district, using the standards adopted by the State Fire  
5 Marshal ~~Commissioner of Education~~. Reports shall be filed with  
6 the school board, and a copy shall be on file with the local  
7 site administrator.

8           (3) CORRECTIVE ACTION.--Upon failure of the board to  
9 take corrective action within a reasonable time, the agency  
10 making the inspection may request the State Fire Marshal  
11 ~~commissioner~~ to:

12           (a) Order that appropriate action be taken to correct  
13 all deficiencies in accordance with a schedule determined  
14 jointly by the inspecting authority and the board; in  
15 developing the schedule, consideration must be given to the  
16 seriousness of the deficiencies and the ability of the board  
17 to obtain the necessary funds; or

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

21           (4) ADDITIONAL STANDARDS.--The State Fire Marshal  
22 shall adopt and administer rules prescribing the following  
23 standards for the safety and health of occupants of  
24 educational and ancillary plants.

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

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1 conditions that create a fire hazard. Other conditions may be  
2 identified as serious by the inspection authority.

3 (b) The occupant load in number of persons for whom  
4 means of egress and other requirements are to be provided must  
5 be determined on the basis of the following occupant load  
6 factors or the maximum probable population of any room or  
7 section under consideration, whichever is greater:

8 1. Classrooms: one person for each 20 net square feet.

9 2. Shops, laboratories, and similar vocational rooms:  
10 one person for each 50 net square feet.

11 (c) The proper placement of functional smoke and heat  
12 detectors and accessible, unexpired fire extinguishers.

13 (d) The maintenance of fire doors without doorstops or  
14 wedges improperly holding them open.

15 Section 2. Subsection (7) is added to section 633.01,  
16 Florida Statutes, to read:

17 633.01 State Fire Marshal; powers and duties; rules.--

18 (7) The State Fire Marshal shall adopt and administer  
19 rules prescribing standards for the safety and health of  
20 occupants of educational and ancillary facilities in  
21 accordance with ss. 235.06 and 235.26.

22 Section 3. This act shall take effect July 1, 2001.

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25 SENATE SUMMARY

26 Transfers responsibility for the adoption and  
27 administration of rules prescribing firesafety standards  
28 from the Commissioner of Education to the State Fire  
29 Marshal.  
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