

By Representative Barreiro

1                                   A bill to be entitled  
 2           An act relating to firesafety standards for  
 3           educational and ancillary plants and  
 4           educational facilities; amending s. 235.06,  
 5           F.S.; requiring the State Fire Marshal to adopt  
 6           uniform standards as provided in s.  
 7           633.022(1)(b), F.S.; providing for enforcement  
 8           and administration of such standards by local  
 9           fire officials; prescribing conditions for  
 10          conducting firesafety inspections; prescribing  
 11          duties of local fire officials in providing a  
 12          plan of action and a schedule for correction of  
 13          deficiencies; requiring the State Fire Marshal  
 14          to adopt and administer rules prescribing  
 15          specified standards for the safety and health  
 16          of occupants of educational and ancillary  
 17          plants; amending s. 633.01, F.S.; requiring the  
 18          State Fire Marshal to adopt and administer  
 19          rules prescribing standards for the safety and  
 20          health of occupants of educational and  
 21          ancillary facilities as specified; amending s.  
 22          633.022, F.S.; conforming provisions; providing  
 23          an effective date.

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

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 27           Section 1. Section 235.06, Florida Statutes, is  
 28 amended to read:

29           235.06 Casualty, safety, and sanitation, and  
 30 firesafety standards and inspection of property.--The  
 31 Commissioner of Education shall adopt and administer rules

1 prescribing standards for the safety and health of occupants  
2 of educational and ancillary plants as a part of the State  
3 Uniform Building Code for Public Educational Facilities  
4 Construction as provided in s. 235.26, except that the State  
5 Fire Marshal shall adopt uniform firesafety standards for  
6 educational and ancillary plants and educational facilities,  
7 as provided in s. 633.022(1)(b), which shall be administered  
8 and enforced by local fire officials ~~the provisions of chapter~~  
9 ~~633 to the contrary notwithstanding.~~ These standards must be  
10 used by all public agencies when inspecting public educational  
11 and ancillary plants, and the firesafety standards must be  
12 used by local fire officials when performing firesafety  
13 inspections of public educational and ancillary plants and  
14 educational facilities. In accordance with such standards,  
15 each board shall prescribe policies and procedures  
16 establishing a comprehensive program of safety and sanitation  
17 for the protection of occupants of public educational and  
18 ancillary plants. Such policies must contain procedures for  
19 periodic inspections as prescribed herein and for withdrawal  
20 of any educational and ancillary plant, or portion thereof,  
21 from use until unsafe or unsanitary conditions are corrected  
22 or removed.

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

24 (a) Each board shall provide for periodic inspection,  
25 other than firesafety inspection, of each educational and  
26 ancillary plant at least once during each fiscal year to  
27 determine compliance with standards of sanitation and casualty  
28 safety prescribed in the rules of the commissioner.

29 (b) Firesafety inspections of each educational and  
30 ancillary plant must be made annually by persons certified by  
31 the Division of State Fire Marshal to be eligible to conduct

1 firesafety inspections in public educational and ancillary  
2 plants. The board shall submit a copy of the firesafety  
3 inspection report to the State Fire Marshal and, if there is a  
4 local fire official who conducts firesafety inspections, to  
5 the local fire official.

6 (c) In each firesafety inspection report, the board  
7 shall include a plan of action and a schedule for the  
8 correction of each deficiency which have been formulated in  
9 consultation with the local fire control authority. If  
10 immediate life-threatening deficiencies are noted in any  
11 inspection, the board shall either take action to promptly  
12 correct the deficiencies or withdraw the educational or  
13 ancillary plant from use until such time as the deficiencies  
14 are corrected.

15 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
16 AGENCIES.--

17 (a) A safety or sanitation inspection of any  
18 educational or ancillary plant may be made at any time by the  
19 Department of Education or any other state or local agency  
20 authorized or required to conduct such inspections by either  
21 general or special law. Each agency conducting inspections  
22 shall use the standards adopted by the Commissioner of  
23 Education in lieu of, and to the exclusion of, any other  
24 inspection standards prescribed either by statute or  
25 administrative rule, ~~the provisions of chapter 633 to the~~  
26 ~~contrary notwithstanding.~~ The agency shall submit a copy of  
27 the inspection report to the board.

28 (b) One firesafety inspection of each educational or  
29 ancillary plant must be conducted each fiscal year by the  
30 county, municipality, or special fire control district in  
31 which the plant is located using the standards adopted by the

1 State Fire Marshal. The board shall cooperate with the  
2 inspecting authority when a firesafety inspection is made by a  
3 governmental authority under this paragraph.~~In addition to~~  
4 ~~school board inspections, the applicable local fire control~~  
5 ~~authority shall also annually inspect educational facilities~~  
6 ~~within its fire control district, using the standards adopted~~  
7 ~~by the Commissioner of Education. Reports shall be filed with~~  
8 ~~the school board, and a copy shall be on file with the local~~  
9 ~~site administrator.~~

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

18 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN  
19 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take  
20 corrective action within a reasonable time, the agency making  
21 the inspection, other than a local fire official, may request  
22 the commissioner to:

23 (a) Order that appropriate action be taken to correct  
24 all deficiencies in accordance with a schedule determined  
25 jointly by the inspecting authority and the board; in  
26 developing the schedule, consideration must be given to the  
27 seriousness of the deficiencies and the ability of the board  
28 to obtain the necessary funds; or

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

1       (4) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon  
2 failure of the board to take corrective action within the time  
3 designated in the plan of action to correct any firesafety  
4 deficiency noted under paragraph (1)(c) or paragraph (2)(c),  
5 the local fire official shall immediately report the  
6 deficiency to the State Fire Marshal, who shall have  
7 enforcement authority with respect to educational and  
8 ancillary plants and educational facilities as provided in  
9 chapter 633 for any other building or structure.

10       (5) ADDITIONAL STANDARDS.--In addition to any other  
11 rules adopted under this section or s. 633.022, the State Fire  
12 Marshal shall adopt and administer rules prescribing the  
13 following standards for the safety and health of occupants of  
14 educational and ancillary plants:

15       (a) The designation of serious life-safety hazards,  
16 including, but not limited to, nonfunctional fire alarm  
17 systems, nonfunctional fire sprinkler systems, doors with  
18 padlocks or other locks or devices that preclude egress at any  
19 time, inadequate exits, hazardous electrical system  
20 conditions, potential structural failure, and storage  
21 conditions that create a fire hazard. Other conditions may be  
22 identified as serious by the inspection authority.

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

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

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

29       633.01 State Fire Marshal; powers and duties; rules.--

30       (7) The State Fire Marshal shall adopt and administer  
31 rules prescribing standards for the safety and health of

1 occupants of educational and ancillary facilities pursuant to  
2 ss. 633.022, 235.06, and 235.26.

3 Section 3. Paragraph (b) of subsection (1) of section  
4 633.022, Florida Statutes, is amended to read:

5 633.022 Uniform firesafety standards.--The Legislature  
6 hereby determines that to protect the public health, safety,  
7 and welfare it is necessary to provide for firesafety  
8 standards governing the construction and utilization of  
9 certain buildings and structures. The Legislature further  
10 determines that certain buildings or structures, due to their  
11 specialized use or to the special characteristics of the  
12 person utilizing or occupying these buildings or structures,  
13 should be subject to firesafety standards reflecting these  
14 special needs as may be appropriate.

15 (1) The Department of Insurance shall establish  
16 uniform firesafety standards that apply to:

17 (b) All new, existing, and proposed hospitals, nursing  
18 homes, assisted living facilities, adult family-care homes,  
19 correctional facilities, public schools, transient public  
20 lodging establishments, public food service establishments,  
21 elevators, migrant labor camps, mobile home parks, lodging  
22 parks, recreational vehicle parks, recreational camps,  
23 residential and nonresidential child care facilities,  
24 facilities for the developmentally disabled, motion picture  
25 and television special effects productions, and self-service  
26 gasoline stations, of which standards the State Fire Marshal  
27 is the final administrative interpreting authority. ~~With~~  
28 ~~respect to public schools, the department shall utilize~~  
29 ~~firesafety standards that have been adopted by the State Board~~  
30 ~~of Education.~~

1 In the event there is a dispute between the owners of the  
2 buildings specified in paragraph (b) and a local authority  
3 requiring a more stringent uniform firesafety standard for  
4 sprinkler systems, the State Fire Marshal shall be the final  
5 administrative interpreting authority and the State Fire  
6 Marshal's interpretation regarding the uniform firesafety  
7 standards shall be considered final agency action.

8 Section 4. This act shall take effect July 1, 2002.

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11 LEGISLATIVE SUMMARY

12 Requires the State Fire Marshal to adopt uniform  
13 firesafety standards for educational and ancillary plants  
14 and educational facilities. Provides for enforcement and  
15 administration of such standards by local fire officials.  
16 Specifies conditions for conducting firesafety  
17 inspections. Prescribes duties of local firesafety  
18 officials in providing a plan of action and a schedule  
19 for correcting deficiencies. Requires the State Fire  
20 Marshal to adopt and administer rules prescribing  
21 specified standards for the safety and health of  
22 occupants of educational and ancillary plants and  
23 educational facilities.

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