

By the Council for Lifelong Learning and Representatives
Barreiro and Heyman

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 certain uniform firesafety standards for
7 certain plants and facilities and a firesafety
8 evaluation system as an alternate inspection
9 standard for certain plants and facilities;
10 providing for enforcement and administration of
11 such standards and system by local fire
12 officials; prescribing conditions for
13 conducting firesafety inspections; prescribing
14 duties of local fire officials in providing a
15 plan of action and a schedule for correction of
16 deficiencies; requiring the State Fire Marshal
17 to adopt and administer rules prescribing
18 specified standards for the safety and health
19 of occupants of educational and ancillary
20 plants; amending s. 633.01, F.S.; requiring the
21 State Fire Marshal to adopt and administer
22 rules prescribing standards for the safety and
23 health of occupants of educational and
24 ancillary facilities as specified; requiring
25 the State Fire Marshal to assume certain duties
26 of the local fire official in certain counties;
27 amending s. 633.022, F.S.; conforming
28 provisions; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:

31

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

3 235.06 Casualty, safety, and sanitation, and
4 firesafety standards and inspection of property.--The
5 Commissioner of Education shall adopt and administer rules
6 prescribing standards for the safety and health of occupants
7 of educational and ancillary plants as a part of the State
8 Uniform Building Code for Public Educational Facilities
9 Construction as provided in s. 235.26, except that the State
10 Fire Marshal shall adopt uniform firesafety standards for
11 educational and ancillary plants and educational facilities,
12 as provided in s. 633.022(1)(b), and a firesafety evaluation
13 system to be used as an alternate firesafety inspection
14 standard for existing educational and ancillary plants and
15 educational facilities. The uniform firesafety standards and
16 the alternate firesafety evaluation system shall be
17 administered and enforced by local fire officials ~~the~~
18 ~~provisions of chapter 633 to the contrary notwithstanding.~~
19 These standards must be used by all public agencies when
20 inspecting public educational and ancillary plants, and the
21 firesafety standards must be used by local fire officials when
22 performing firesafety inspections of public educational and
23 ancillary plants and educational facilities. In accordance
24 with such standards, each board shall prescribe policies and
25 procedures establishing a comprehensive program of safety and
26 sanitation for the protection of occupants of public
27 educational and ancillary plants. Such policies must contain
28 procedures for periodic inspections as prescribed herein and
29 for withdrawal of any educational and ancillary plant, or
30 portion thereof, from use until unsafe or unsanitary
31 conditions are corrected or removed.

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

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

7 (b) Firesafety inspections of each educational and
8 ancillary plant must be made annually by persons certified by
9 the Division of State Fire Marshal to be eligible to conduct
10 firesafety inspections in public educational and ancillary
11 plants. The board shall submit a copy of the firesafety
12 inspection report to the State Fire Marshal and, if there is a
13 local fire official who conducts firesafety inspections, to
14 the local fire official.

15 (c) In each firesafety inspection report, the board
16 shall include a plan of action and a schedule for the
17 correction of each deficiency which have been formulated in
18 consultation with the local fire control authority. If
19 immediate life-threatening deficiencies are noted in any
20 inspection, the board shall either take action to promptly
21 correct the deficiencies or withdraw the educational or
22 ancillary plant from use until such time as the deficiencies
23 are corrected.

24 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
25 AGENCIES.--

26 (a) A safety or sanitation inspection of any
27 educational or ancillary plant may be made at any time by the
28 Department of Education or any other state or local agency
29 authorized or required to conduct such inspections by either
30 general or special law. Each agency conducting inspections
31 shall use the standards adopted by the Commissioner of

1 Education in lieu of, and to the exclusion of, any other
2 inspection standards prescribed either by statute or
3 administrative rule, ~~the provisions of chapter 633 to the~~
4 ~~contrary notwithstanding~~. The agency shall submit a copy of
5 the inspection report to the board.

6 (b) One firesafety inspection of each educational or
7 ancillary plant must be conducted each fiscal year by the
8 county, municipality, or special fire control district in
9 which the plant is located using the standards adopted by the
10 State Fire Marshal. The board shall cooperate with the
11 inspecting authority when a firesafety inspection is made by a
12 governmental authority under this paragraph.~~In addition to~~
13 ~~school board inspections, the applicable local fire control~~
14 ~~authority shall also annually inspect educational facilities~~
15 ~~within its fire control district, using the standards adopted~~
16 ~~by the Commissioner of Education. Reports shall be filed with~~
17 ~~the school board, and a copy shall be on file with the local~~
18 ~~site administrator.~~

19 (c) In each firesafety inspection report, the local
20 fire official in conjunction with the board shall include a
21 plan of action and a schedule for the correction of each
22 deficiency. If immediate life-threatening deficiencies are
23 noted in any inspection, the local fire official shall either
24 take action to require the board to promptly correct the
25 deficiencies or withdraw the educational facility from use
26 until the deficiencies are corrected.

27 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
28 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
29 corrective action within a reasonable time, the agency making
30 the inspection, other than a local fire official, may request
31 the commissioner to:

1 (a) Order that appropriate action be taken to correct
2 all deficiencies in accordance with a schedule determined
3 jointly by the inspecting authority and the board; in
4 developing the schedule, consideration must be given to the
5 seriousness of the deficiencies and the ability of the board
6 to obtain the necessary funds; or

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

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

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

24 (a) The designation of serious life-safety hazards,
25 including, but not limited to, nonfunctional fire alarm
26 systems, nonfunctional fire sprinkler systems, doors with
27 padlocks or other locks or devices that preclude egress at any
28 time, inadequate exits, hazardous electrical system
29 conditions, potential structural failure, and storage
30 conditions that create a fire hazard. Other conditions may be
31 identified as serious by the inspection authority.

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

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

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

7 633.01 State Fire Marshal; powers and duties; rules.--

8 (7) The State Fire Marshal shall adopt and administer
9 rules prescribing standards for the safety and health of
10 occupants of educational and ancillary facilities pursuant to
11 ss. 633.022, 235.06, and 235.26. In addition, in any county
12 that does not employ or appoint a local fire official, the
13 State Fire Marshal shall assume the duties of the local fire
14 official with respect to firesafety inspections of educational
15 property required under s. 235.06(2)(b) and the State Fire
16 Marshal may take necessary corrective action as authorized
17 under s. 235.06(4).

18 Section 3. Paragraph (b) of subsection (1) of section
19 633.022, Florida Statutes, is amended to read:

20 633.022 Uniform firesafety standards.--The Legislature
21 hereby determines that to protect the public health, safety,
22 and welfare it is necessary to provide for firesafety
23 standards governing the construction and utilization of
24 certain buildings and structures. The Legislature further
25 determines that certain buildings or structures, due to their
26 specialized use or to the special characteristics of the
27 person utilizing or occupying these buildings or structures,
28 should be subject to firesafety standards reflecting these
29 special needs as may be appropriate.

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

1 (b) All new, existing, and proposed hospitals, nursing
2 homes, assisted living facilities, adult family-care homes,
3 correctional facilities, public schools, transient public
4 lodging establishments, public food service establishments,
5 elevators, migrant labor camps, mobile home parks, lodging
6 parks, recreational vehicle parks, recreational camps,
7 residential and nonresidential child care facilities,
8 facilities for the developmentally disabled, motion picture
9 and television special effects productions, and self-service
10 gasoline stations, of which standards the State Fire Marshal
11 is the final administrative interpreting authority. ~~With~~
12 ~~respect to public schools, the department shall utilize~~
13 ~~firesafety standards that have been adopted by the State Board~~
14 ~~of Education.~~

15
16 In the event there is a dispute between the owners of the
17 buildings specified in paragraph (b) and a local authority
18 requiring a more stringent uniform firesafety standard for
19 sprinkler systems, the State Fire Marshal shall be the final
20 administrative interpreting authority and the State Fire
21 Marshal's interpretation regarding the uniform firesafety
22 standards shall be considered final agency action.

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

24
25
26
27
28
29
30
31