

By Senator Silver

38-167B-02

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.
 7 633.922(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.

4 (c) In each firesafety inspection report, the local
5 fire official in conjunction with the board shall include a
6 plan of action and a schedule for the correction of each
7 deficiency. If immediate life-threatening deficiencies are
8 noted in any inspection, the local fire official shall either
9 take action to require the board to promptly correct the
10 deficiencies or withdraw the educational facility from use
11 until the deficiencies are corrected.~~In addition to school~~
12 ~~board inspections, the applicable local fire control authority~~
13 ~~shall also annually inspect educational facilities within its~~
14 ~~fire control district, using the standards adopted by the~~
15 ~~Commissioner of Education. Reports shall be filed with the~~
16 ~~school board, and a copy shall be on file with the local site~~
17 ~~administrator.~~

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.~~

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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 SENATE 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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