

By the Committee on Education; and Senator Silver

304-1995-02

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           633.022(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; requiring  
22          that the State Fire Marshal assume certain  
23          specified duties of the local fire official in  
24          counties that do not employ or appoint a local  
25          fire official; amending s. 633.022, F.S.;  
26          conforming provisions; providing an effective  
27          date.

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29   Be It Enacted by the Legislature of the State of Florida:  
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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 in 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.

13 (c) In each firesafety inspection report, the local  
14 fire official in conjunction with the board shall include a  
15 plan of action and a schedule for the correction of each  
16 deficiency. If immediate life-threatening deficiencies are  
17 noted in any inspection, the local fire official shall either  
18 take action to require the board to promptly correct the  
19 deficiencies or withdraw the educational facility from use  
20 until the deficiencies are corrected, subject to review by the  
21 State Fire Marshal who shall act within 10 days to ensure that  
22 the deficiencies are corrected or withdraw the facility from  
23 use.~~In addition to school board inspections, the applicable~~  
24 ~~local fire control authority shall also annually inspect~~  
25 ~~educational facilities within its fire control district, using~~  
26 ~~the standards adopted by the Commissioner of Education.~~  
27 ~~Reports shall be filed with the school board, and a copy shall~~  
28 ~~be on file with the local site administrator.~~

29 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN  
30 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take  
31 corrective action within a reasonable time, the agency making

1 the inspection, other than a local fire official, may request  
2 the commissioner to:

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

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

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

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

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

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1 conditions, potential structural failure, and storage  
2 conditions that create a fire hazard.

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

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

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

9 633.01 State Fire Marshal; powers and duties; rules.--

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

20 Section 3. Paragraph (b) of subsection (1) of section  
21 633.022, Florida Statutes, is amended to read:

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

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

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

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

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

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 532  
4                   -Requires the State Fire Marshal to adopt rules for a  
5                   firesafety evaluation system for use as an alternate standard  
6                   in existing facilities.  
7                   -Provides for enforcement of the uniform firesafety standards  
8                   and the alternate system by local fire officials.  
9                   -Subjects local fire official's decision about  
10                  life-threatening deficiencies to review by the State Fire  
11                  Marshal.  
12                  -Requires the State Fire Marshal to ensure that the  
13                  deficiencies are corrected or the facility is withdrawn from  
14                  use.  
15                  -Removes the new provision allowing the State Fire Marshal to  
16                  adopt rules for conditions identified as serious by the  
17                  inspection authority.  
18                  -Requires the State Fire Marshal to assume a local fire  
19                  official's firesafety inspection duties in a county that does  
20                  not employ or appoint an official.  
21                  -Requires the State Fire Marshal to take needed corrective  
22                  action.  
23                  -Includes a technical change.  
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