

By Senator Wise

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1 A bill to be entitled
2 An act relating to firesafety; amending s. 633.01,
3 F.S.; requiring that the State Fire Marshal adopt
4 rules in consultation with the Department of
5 Education; requiring that the State Fire Marshal
6 assume specified duties for certain counties; amending
7 s. 633.021, F.S.; redefining the term "firesafety
8 inspector"; amending s. 1013.12, F.S.; inserting a
9 cross-reference; requiring inspection of certain
10 property by an official appointed by a district school
11 board within a specified period after the issuance of
12 a certificate of occupancy and annually thereafter;
13 requiring that such inspections be made by certain
14 persons; requiring that the board submit a copy of the
15 firesafety inspection report to the county,
16 municipality, or independent special fire control
17 district providing fire-protection services to the
18 subject facility within a specified period after the
19 inspection; requiring that the board include a plan of
20 action and schedule for correcting any deficiencies;
21 identifying property owned or leased by the board
22 which must be inspected by certain local or state
23 agencies within a specified period after the issuance
24 of a certificate of occupancy and requiring that
25 inspections be made annually thereafter; requiring
26 that a county, municipality, or independent special
27 fire control district, in conjunction with the board,
28 include a plan of action and schedule for correcting
29 any deficiencies; requiring that a board-appointed

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30 fire official take specified action under certain
31 circumstances; providing for the inspection of charter
32 schools and public postsecondary educational
33 facilities; authorizing certain state and local
34 agencies to conduct those inspections at any time;
35 requiring that the agency submit a copy of the
36 inspection to the charter school sponsor; requiring
37 inspection of specified property by certain government
38 entities each fiscal year; requiring that, upon
39 request, the inspecting authority provide a copy of
40 each firesafety report to the board in the district in
41 which the facility is located; requiring that, in
42 consultation with the charter school, the inspecting
43 authority include a plan of action and schedule for
44 correcting deficiencies; requiring that the inspecting
45 authority take specified action under certain
46 circumstances; requiring that a board-appointed fire
47 official or certain government entities report the
48 failure to take corrective action within the period
49 specified in the plan of action; providing the State
50 Fire Marshal with certain authority; requiring that
51 firesafety inspections of state universities and
52 community college facilities, including certain
53 charter schools, be made in accordance with the
54 Florida Fire Prevention Code; requiring that each
55 community college facility be inspected annually by
56 certain persons; requiring that the inspecting
57 authority develop a plan of correction for each
58 deficiency; requiring that the community college

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59 provide a copy of each firesafety inspection report to
60 certain government entities; requiring that the
61 inspecting authority report the failure of any school,
62 community college board, or charter school to take
63 corrective action within the period prescribed in the
64 plan of action or correction; deleting a requirement
65 that the State Fire Marshal publish an annual report
66 containing certain information; amending s. 1013.371,
67 F.S.; requiring that each school board provide for the
68 periodic inspection of the proposed educational plant
69 during each phase of construction to determine
70 compliance with the Florida Building Code, the Florida
71 Fire Prevention Code, and State Requirements for
72 Educational Facilities; authorizing a board to use
73 certain inspectors when conducting inspections and
74 reviews of site plans; amending s. 1013.38, F.S.;

75 requiring that a board submit a copy of the site plan
76 for each proposed new facility or addition exceeding a
77 specified number of square feet to certain government
78 entities; authorizing such entities to review the site
79 plan for compliance; providing that such site plans
80 are not subject to local amendments or ordinances;
81 requiring that such reviews be performed at no charge
82 to a school board or community college board;
83 providing circumstances under which a site plan may
84 not be approved; authorizing the referral of
85 disagreements between specified parties regarding the
86 requirements or application of the Florida Fire
87 Prevention Code to the State Fire Marshal; providing

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88 the State Fire Marshal with final administrative
89 authority in resolving those disagreements; specifying
90 the means by which boards may ensure compliance with
91 building codes and life safety codes; adding
92 conforming cross-references; providing requirements
93 that must be fulfilled before any new construction,
94 renovation, or remodeling is commenced; prohibiting a
95 certificate of occupancy from being issued until the
96 board makes certain determinations; requiring that the
97 method of compliance with certain provisions of state
98 law be documented and maintained as part of the
99 construction record; requiring that the board provide
100 reasonable access to certain documents and, when
101 requested by specified governmental entities, provide
102 certain information in writing; providing an effective
103 date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Subsection (7) of section 633.01, Florida
108 Statutes, is amended to read:

109 633.01 State Fire Marshal; powers and duties; rules.—

110 (7) The State Fire Marshal, in consultation with the
111 Department of Education, shall adopt and administer rules
112 prescribing standards for the safety and health of occupants of
113 educational and ancillary facilities pursuant to ss. 633.022,
114 1013.12, 1013.37, and 1013.371. In addition, in any county that
115 does not employ or appoint a firesafety inspector certified
116 under s. 633.081(2) ~~local fire official~~, the State Fire Marshal

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117 shall assume the duties of the local county, municipality, or
 118 independent special fire control district as defined in s.
 119 191.003(5) fire official with respect to firesafety inspections
 120 of educational property required under s. 1013.12(4)(b) ~~s.~~
 121 ~~1013.12(3)(b)~~, and the State Fire Marshal may take necessary
 122 corrective action as authorized under s. 1013.12(7) ~~s.~~
 123 ~~1013.12(6)~~.

124 Section 2. Subsection (10) of section 633.021, Florida
 125 Statutes, is amended to read:

126 633.021 Definitions.—As used in this chapter:

127 (10) A "firesafety inspector" is an individual certified by
 128 the State Fire Marshal under s. 633.081(2) who is officially
 129 assigned the duties of conducting firesafety inspections of
 130 buildings and facilities on a recurring or regular basis ~~on~~
 131 ~~behalf of the state or any county, municipality, or special~~
 132 ~~district with firesafety responsibilities.~~

133 Section 3. Section 1013.12, Florida Statutes, is amended to
 134 read:

135 1013.12 Casualty, safety, sanitation, and firesafety
 136 standards and inspection of property.—

137 (1) FIRESAFETY.—The State Board of Education shall adopt
 138 and administer rules prescribing standards for the safety and
 139 health of occupants of educational and ancillary plants as a
 140 part of State Requirements for Educational Facilities or the
 141 Florida Building Code for educational facilities construction as
 142 provided in s. 1013.37, except that the State Fire Marshal in
 143 consultation with the Department of Education shall adopt
 144 uniform firesafety standards for educational and ancillary
 145 plants and educational facilities, as provided in s.

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146 633.022(1)(b), and a firesafety evaluation system to be used as
147 an alternate firesafety inspection standard for existing
148 educational and ancillary plants and educational facilities. The
149 uniform firesafety standards and the alternate firesafety
150 evaluation system shall be administered and enforced by ~~local~~
151 fire officials certified by the State Fire Marshal under s.
152 633.081(2). These standards must be used by all public agencies
153 when inspecting public educational and ancillary plants, and the
154 firesafety standards must be used by county, municipal, or
155 independent special fire control district inspectors ~~local fire~~
156 ~~officials~~ when performing firesafety inspections of public
157 educational and ancillary plants and educational facilities. In
158 accordance with such standards, each board shall prescribe
159 policies and procedures establishing a comprehensive program of
160 safety and sanitation for the protection of occupants of public
161 educational and ancillary plants. Such policies must contain
162 procedures for periodic inspections as prescribed in this
163 section and chapter 633, and for withdrawal of any educational
164 and ancillary plant, or portion thereof, from use until unsafe
165 or unsanitary conditions are corrected or removed.

166 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
167 BOARDS.—

168 (a) Each board shall provide for periodic inspection, other
169 than firesafety inspection, of each educational and ancillary
170 plant at least once during each fiscal year to determine
171 compliance with standards of sanitation and casualty safety
172 prescribed in the rules of the State Board of Education.

173 (b) Each school cafeteria must post in a visible location
174 and on the school website the school's semiannual sanitation

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175 certificate and a copy of its most recent sanitation inspection
176 report.

177 (c) Under the direction of the board-appointed fire
178 official, firesafety inspections of each educational and
179 ancillary plant located on property owned or leased by the
180 board, or other educational facilities operated by the school
181 board, must be made no sooner than 1 year after issuance of a
182 certificate of occupancy and annually thereafter. Such
183 inspections shall be made by persons certified by the Division
184 of State Fire Marshal under s. 633.081(2) to be eligible to
185 conduct firesafety inspections in public educational and
186 ancillary plants. The board shall submit a copy of the
187 firesafety inspection report to the county, municipality, or
188 independent special fire control district providing fire-
189 protection services to the school facility within 10 business
190 days after the date of inspection. If immediate life-threatening
191 deficiencies are noted in the report, such report must be
192 delivered immediately. State Fire Marshal and, if there is a
193 ~~local fire official who conducts firesafety inspections, to the~~
194 ~~local fire official.~~

195 (d) In each firesafety inspection report, the board shall
196 include a plan of action and a schedule for the correction of
197 each deficiency ~~which have been formulated in consultation with~~
198 ~~the local fire control authority.~~ If immediate life-threatening
199 deficiencies are noted in any inspection, the board shall ~~either~~
200 take action to promptly correct the deficiencies or withdraw the
201 educational or ancillary plant from use until such time as the
202 deficiencies are corrected.

203 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC

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204 AGENCIES.—

205 (a) A safety or sanitation inspection of any educational or
206 ancillary plant may be made at any time by the Department of
207 Education or any other state or local agency authorized or
208 required to conduct such inspections by either general or
209 special law. Each agency conducting inspections shall use the
210 standards adopted by the Commissioner of Education in lieu of,
211 and to the exclusion of, any other inspection standards
212 prescribed either by statute or administrative rule. The agency
213 shall submit a copy of the inspection report to the board.

214 (b) One firesafety inspection of each educational or
215 ancillary plant located on property owned or leased by the
216 board, or other educational facilities operated by the school
217 board, and each community college may ~~must~~ be conducted no
218 sooner than 1 year after the issuance of the certificate of
219 occupancy and annually thereafter ~~each fiscal year~~ by the
220 county, municipality, or independent special fire control
221 district in which the plant is located using the standards
222 adopted by the State Fire Marshal. The board or community
223 college shall cooperate with the inspecting authority when a
224 firesafety inspection is made by a governmental authority under
225 this paragraph.

226 (c) In each firesafety inspection report prepared pursuant
227 to this section, the county, municipality, or independent
228 special fire control district, ~~local fire official~~ in
229 conjunction with the board, shall include a plan of action and a
230 schedule for the correction of each deficiency. If immediate
231 life-threatening deficiencies are noted in any inspection, the
232 local county, municipality, or independent special fire control

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233 district, in conjunction with the board-appointed fire official,
234 shall ~~either~~ take action to require the board to promptly
235 correct the deficiencies or withdraw the educational facility
236 from use until the deficiencies are corrected, subject to review
237 by the State Fire Marshal who shall act within 10 days to ensure
238 that the deficiencies are corrected or withdraw the facility
239 from use.

240 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY
241 DEFICIENCIES.—Upon failure of the board to take corrective
242 action within a reasonable time, the agency making the
243 inspection, other than a local fire official, may request the
244 commissioner to:

245 (a) Order that appropriate action be taken to correct all
246 deficiencies in accordance with a schedule determined jointly by
247 the inspecting authority and the board; in developing the
248 schedule, consideration must be given to the seriousness of the
249 deficiencies and the ability of the board to obtain the
250 necessary funds; or

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

254 (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-
255 OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL
256 BOARD.—

257 (a) A safety or sanitation inspection of any educational or
258 ancillary plant may be made at any time by a state or local
259 agency authorized or required to conduct such inspections by
260 general or special law. The agency shall submit a copy of the
261 inspection report to the charter school sponsor.

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262 (b) One firesafety inspection of each charter school that
263 is not located on facilities owned or leased by the board or a
264 community college must be conducted each fiscal year by the
265 county, municipality, or independent special fire control
266 district in which the charter school is located using the
267 standards adopted by the State Fire Marshal. Upon request, the
268 inspecting authority shall provide a copy of each firesafety
269 report to the board in the district where the facility is
270 located.

271 (c) In each firesafety inspection report, the inspecting
272 authority shall include a plan of action and a schedule for the
273 correction of each deficiency formulated in consultation with
274 the charter school. If immediate life-threatening deficiencies
275 are noted in any inspection, the inspecting authority shall take
276 action to require the charter school to promptly correct the
277 deficiencies or withdraw the educational or ancillary plant from
278 use until such time as the deficiencies are corrected.

279 (d) Upon the failure of a charter school to take corrective
280 action within the period designated in the plan of action to
281 correct any firesafety deficiency noted under this subsection,
282 the county, municipality, or independent special fire control
283 district shall immediately report the deficiency to the State
284 Fire Marshal and the charter school sponsor. The State Fire
285 Marshal shall have enforcement authority with respect to
286 educational and ancillary plants and educational facilities as
287 provided in chapter 633 for any building or structure.

288 (6) ~~(5)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
289 FACILITIES.-

290 (a) Firesafety inspections of community college facilities,

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291 including charter schools located on board-owned or board-leased
292 facilities or otherwise operated by community college boards,
293 shall be made in accordance ~~comply~~ with the Florida Fire
294 Prevention Code, as adopted by the State Fire Marshal, which is
295 not subject to any local amendments ~~State Board of Education~~
296 rules. Each community college facility shall be inspected
297 annually by persons certified under s. 633.081(2).

298 (b) Following each required firesafety inspection, the
299 inspecting authority shall develop a plan of correction for each
300 deficiency identified. The community college shall provide a
301 copy of each firesafety inspection report to the county,
302 municipality, or independent special fire control district in
303 which the facility is located.

304 (c) ~~(b)~~ Firesafety inspections of state universities shall
305 comply with the Florida Fire Prevention Code, as adopted by the
306 State Fire Marshal in accordance with chapter 633 ~~rules of the~~
307 Board of Governors.

308 (7) ~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—Upon the
309 failure of a school ~~the board,~~ community college board, or
310 charter school to correct any firesafety deficiency noted under
311 this section ~~take corrective action~~ within the time designated
312 in the plan of action ~~to correct any firesafety deficiency noted~~
313 under paragraph ~~(2)(c) or paragraph (3)(c),~~ the inspecting
314 authority ~~local fire official~~ shall immediately report the
315 deficiency to the State Fire Marshal, who shall have enforcement
316 authority with respect to educational and ancillary plants and
317 educational facilities as provided in chapter 633 for any other
318 building or structure.

319 (8) ~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other rules

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320 adopted under this section or s. 633.022, the State Fire Marshal
 321 in consultation with the Department of Education shall adopt and
 322 administer rules prescribing the following standards for the
 323 safety and health of occupants of educational and ancillary
 324 plants:

325 (a) The designation of serious life-safety hazards,
 326 including, but not limited to, nonfunctional fire alarm systems,
 327 nonfunctional fire sprinkler systems, doors with padlocks or
 328 other locks or devices that preclude egress at any time,
 329 inadequate exits, hazardous electrical system conditions,
 330 potential structural failure, and storage conditions that create
 331 a fire hazard.

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

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

336 ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~
 337 ~~annual report to be filed with the substantive committees of the~~
 338 ~~state House of Representatives and Senate having jurisdiction~~
 339 ~~over education, the Commissioner of Education or his or her~~
 340 ~~successor, the State Board of Education, the Board of Governors,~~
 341 ~~and the Governor documenting the status of each board's~~
 342 ~~firesafety program, including the improvement or lack thereof.~~

343 Section 4. Paragraph (a) of subsection (1) and subsection
 344 (2) of section 1013.371, Florida Statutes, are amended to read:
 345 1013.371 Conformity to codes.—

346 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE
 347 PREVENTION CODE REQUIRED FOR APPROVAL.—

348 (a) Except as otherwise provided in paragraph (b), all

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349 public educational and ancillary plants constructed by a board
350 must conform to the Florida Building Code and the Florida Fire
351 Prevention Code, and the plants are exempt from all other state
352 building codes; county, municipal, or other local amendments to
353 the Florida Building Code and local amendments to the Florida
354 Fire Prevention Code; building permits, and assessments of fees
355 for building permits, except as provided in s. 553.80;
356 ordinances; road closures; and impact fees or service
357 availability fees. Any inspection by local or state government
358 must be based on the Florida Building Code and the Florida Fire
359 Prevention Code. Each board shall provide for periodic
360 inspection of the proposed educational plant during each phase
361 of construction to determine compliance with the Florida
362 Building Code, the Florida Fire Prevention Code, and the State
363 Requirements for Educational Facilities.

364 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each
365 board to ensure that all plans and educational and ancillary
366 plants meet the standards of the Florida Building Code and the
367 Florida Fire Prevention Code and to provide for the enforcement
368 of these codes in the areas of its jurisdiction. Each board
369 shall provide for the proper supervision and inspection of the
370 work. Each board may employ a chief building official, a fire
371 official, ~~or inspector~~ and such other inspectors, who have been
372 certified pursuant to chapter 468 or chapter 633, and such
373 personnel as ~~are~~ necessary to administer and enforce the
374 provisions of these codes ~~this code~~. Boards may also use local
375 building department inspectors who must conduct reviews of site
376 plans and inspections that conform to the State Requirements for
377 Educational Facilities and the Florida Building Code ~~are~~

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378 ~~certified by the department to enforce this code. Boards may~~
379 ~~also use local county, municipal, or independent special fire~~
380 ~~control district firesafety inspectors who are certified by the~~
381 ~~State Fire Marshal to conduct reviews of site plans and~~
382 ~~inspections and to enforce the Florida Fire Prevention Code.~~
383 Plans or facilities that fail to meet the standards of the
384 Florida Building Code or the Florida Fire Prevention Code may
385 not be approved. When planning for and constructing an
386 educational, auxiliary, or ancillary facility, a board must use
387 construction materials and systems that meet standards adopted
388 pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual
389 construction of a facility deviates from the adopted standards,
390 the board must, at a public hearing, quantify and compare the
391 costs of constructing the facility with the proposed deviations
392 and in compliance with the adopted standards and the Florida
393 Building Code. The board must explain the reason for the
394 proposed deviations and compare how the total construction costs
395 and projected life-cycle costs of the facility or component
396 system of the facility would be affected by implementing the
397 proposed deviations rather than using materials and systems that
398 meet the adopted standards.

399 Section 5. Subsections (1) and (2) of section 1013.38,
400 Florida Statutes, are amended, and subsection (4) is added to
401 that section, to read:

402 1013.38 Boards to ensure that facilities comply with
403 building codes and life safety codes.—

404 (1) Boards shall ensure that all new construction,
405 renovation, remodeling, day labor, and maintenance projects
406 conform to the appropriate sections of the Florida Building

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407 Code, Florida Fire Prevention Code, or, where applicable as
408 authorized in other sections of law, other building codes, and
409 life safety codes.

410 (a) For each proposed new facility and each proposed new
411 addition exceeding 2,500 square feet, the board shall submit for
412 review a minimum of one copy of the site plan to the local
413 county, municipality, or independent special fire control
414 district providing fire-protection services to the facility.

415 (b) The local county, municipality, or independent special
416 fire control district may review each site plan for compliance
417 with the applicable provisions of the Florida Fire Prevention
418 Code relating to fire department access roads, fire-protection
419 system connection locations, and fire hydrant spacing. Such site
420 plans are not subject to local amendments to the Florida Fire
421 Prevention Code or local ordinances pursuant to s. 1013.371.
422 Site plan reviews conducted pursuant to this section shall be
423 performed at no charge to the school board or community college
424 board.

425 (c) The site plan shall be deemed approved unless the local
426 county, municipality, or independent special fire control
427 district submits to the board-appointed fire official in writing
428 any deficiencies identified according to specific provisions of
429 the Florida Fire Prevention Code within 15 days after receipt of
430 the site plan. The board-appointed fire official shall
431 incorporate such comments into his or her review and subsequent
432 inspections.

433 (d) If the local county, municipality, or independent
434 special fire control district and the board-appointed fire
435 official do not agree on the requirements or application of the

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436 Florida Fire Prevention Code, either party may refer the matter
437 to the State Fire Marshal, who shall have final administrative
438 authority in resolving the matter.

439 (2) In addition to the submission of site plans, boards may
440 provide compliance as follows:

441 (a) Boards or consortia may individually or cooperatively
442 provide review services under the insurance risk management
443 oversight through the use of board employees or consortia
444 employees, registered pursuant to chapter 471, chapter 481, or
445 part XII of chapter 468, or firesafety inspectors certified in
446 accordance with s. 633.081(2).

447 (b) Boards may elect to review construction documents using
448 their own employees registered pursuant to chapter 471, chapter
449 481, or part XII of chapter 468.

450 (c) Boards may submit phase III construction documents for
451 review to the department.

452 (d) Boards or consortia may contract for plan review
453 services directly with engineers and architects certified under
454 part XII of chapter 468 or registered pursuant to chapter 471 or
455 chapter 481, or firesafety inspectors certified in accordance
456 with s. 633.081(2).

457 (4) (a) Before the commencement of any new construction,
458 renovation, or remodeling, the board shall:

459 1. Approve or cause to be approved the construction
460 documents and evaluate such documents for compliance with the
461 Florida Building Code and the Florida Fire Prevention Code.

462 2. Ensure compliance with all applicable firesafety codes
463 and standards by contracting with a firesafety inspector
464 certified by the State Fire Marshal under s. 633.081(2).

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465 (b) A certificate of occupancy may not be issued until the
466 board, through its designated certified building official, has
467 determined that the building or structure and its site
468 conditions comply with all applicable statutes and rules and the
469 Florida Fire Prevention Code.

470 (c) The method of compliance as chosen by the board
471 pursuant to subsection (2) shall be documented and maintained as
472 part of the construction record file.

473 (d) Upon request by the local county, municipality, or
474 independent special fire control district, the board shall
475 provide reasonable access to all construction documents and
476 provide in writing the methods employed to achieve compliance
477 with the Florida Fire Prevention Code.

478 Section 6. This act shall take effect July 1, 2009.