

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.; revising the rulemaking authority and  
4       responsibilities of the State Fire Marshal relating to  
5       educational and ancillary plants; amending s. 633.021,  
6       F.S.; revising the definition of the term "firesafety  
7       inspector"; amending s. 633.081, F.S.; revising  
8       requirements and procedures for inspections of  
9       buildings and equipment; abolishing special state  
10      firesafety inspector classifications and  
11      certifications; providing criteria, procedures, and  
12      requirements for special state firesafety inspectors  
13      to be certified as firesafety inspectors; authorizing  
14      the State Fire Marshal to develop an advanced training  
15      and certification program for certain firesafety  
16      inspectors; specifying program requirements; requiring  
17      the State Fire Marshal and the Florida Building Code  
18      Administrators and Inspectors Board to enter into a  
19      reciprocity agreement to recognize certain continuing  
20      education recertification hours for certain purposes;  
21      amending s. 1013.12, F.S.; revising procedures and  
22      requirements for certain standards and inspection of  
23      educational property; providing procedures, criteria,  
24      and requirements for inspections of certain charter  
25      schools; providing reporting requirements; amending s.  
26      1013.371, F.S.; revising firesafety inspection  
27      requirements for educational institution boards to  
28      conform to certain codes; revising certain code  
29      enforcement authority of such boards; amending s.

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30 1013.38, F.S.; requiring educational institution  
31 boards to submit certain facility site plans to  
32 certain local governmental entities for review;  
33 authorizing such entities to review site plans for  
34 compliance with certain provisions of the Florida Fire  
35 Prevention Code; specifying that site plans are not  
36 subject to local ordinances or local amendments to the  
37 Florida Fire Prevention Code; providing criteria for  
38 approving site plans and correcting firesafety  
39 compliance deficiencies; providing for referral of  
40 disputes to the State Fire Marshal; authorizing such  
41 boards to use certain firesafety inspectors for  
42 certain compliance reviews; imposing additional  
43 requirements for such boards relating to construction,  
44 renovation, or remodeling of educational facilities;  
45 providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Subsection (7) of section 633.01, Florida  
50 Statutes, is amended to read:

51 633.01 State Fire Marshal; powers and duties; rules.-

52 (7) The State Fire Marshal, in consultation with the  
53 Department of Education, shall adopt and administer rules  
54 prescribing standards for the safety and health of occupants of  
55 educational and ancillary facilities pursuant to ss. 633.022,  
56 1013.12, 1013.37, and 1013.371. In addition, in any county that  
57 does not employ or appoint a firesafety inspector certified  
58 under s. 633.081 ~~local fire official~~, the State Fire Marshal

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59 shall assume the duties of the local county, municipality, or  
60 independent special fire control district as defined in s.  
61 191.003 ~~fire official~~ with respect to firesafety inspections of  
62 educational property required under s. 1013.12(3)(b), and the  
63 State Fire Marshal may take necessary corrective action as  
64 authorized under s. 1013.12(7)~~(6)~~.

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

67 633.021 Definitions.—As used in this chapter:

68 (10) A “firesafety inspector” is an individual certified by  
69 the State Fire Marshal under s. 633.081 who is officially  
70 assigned the duties of conducting firesafety inspections of  
71 buildings and facilities on a recurring or regular basis ~~on~~  
72 ~~behalf of the state or any county, municipality, or special~~  
73 ~~district with firesafety responsibilities.~~

74 Section 3. Section 633.081, Florida Statutes, is amended to  
75 read:

76 633.081 Inspection of buildings and equipment; orders;  
77 firesafety inspection training requirements; certification;  
78 disciplinary action.—The State Fire Marshal and her or his  
79 agents may ~~shall~~, at any reasonable hour, when the State Fire  
80 Marshal department has reasonable cause to believe that a  
81 violation of this chapter or s. 509.215, or a rule adopted under  
82 this chapter or s. 509.215 ~~promulgated thereunder~~, or a minimum  
83 firesafety code adopted by the State Fire Marshal or a local  
84 authority, may exist, inspect any and all buildings and  
85 structures which are subject to the requirements of this chapter  
86 or s. 509.215 and any rule adopted under this chapter or s.  
87 509.215 ~~rules promulgated thereunder~~. The authority to inspect

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88 shall extend to all equipment, vehicles, and chemicals which are  
89 located on or within the premises of any such building or  
90 structure.

91 (1) Each county, municipality, and special district that  
92 has firesafety enforcement responsibilities shall employ or  
93 contract with a firesafety inspector. The firesafety inspector  
94 must conduct all firesafety inspections that are required by  
95 law. The governing body of a county, municipality, or special  
96 district that has firesafety enforcement responsibilities may  
97 provide a schedule of fees to pay only the costs of inspections  
98 conducted pursuant to this subsection and related administrative  
99 expenses. Two or more counties, municipalities, or special  
100 districts that have firesafety enforcement responsibilities may  
101 jointly employ or contract with a firesafety inspector.

102 (2) Every firesafety inspection conducted pursuant to state  
103 or local firesafety requirements shall be by a person certified  
104 as having met the inspection training requirements set by the  
105 State Fire Marshal. Such person shall:

106 (a) Be a high school graduate or the equivalent as  
107 determined by the department;

108 (b) Not have been found guilty of, or having pleaded guilty  
109 or nolo contendere to, a felony or a crime punishable by  
110 imprisonment of 1 year or more under the law of the United  
111 States, or of any state thereof, which involves moral turpitude,  
112 without regard to whether a judgment of conviction has been  
113 entered by the court having jurisdiction of such cases;

114 (c) Have her or his fingerprints on file with the  
115 department or with an agency designated by the department;

116 (d) Have good moral character as determined by the

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117 department;

118 (e) Be at least 18 years of age;

119 (f) Have satisfactorily completed the firesafety inspector  
120 certification examination as prescribed by the department; and

121 (g)1. Have satisfactorily completed, as determined by the  
122 department, a firesafety inspector training program of not less  
123 than 200 hours established by the department and administered by  
124 agencies and institutions approved by the department for the  
125 purpose of providing basic certification training for firesafety  
126 inspectors; or

127 2. Have received in another state training which is  
128 determined by the department to be at least equivalent to that  
129 required by the department for approved firesafety inspector  
130 education and training programs in this state.

131 (3) (a)1. Effective July 1, 2012, the classification of  
132 special state firesafety inspector is abolished and all special  
133 state firesafety inspector certifications shall expire at  
134 midnight June 30, 2012.

135 2. Any person who is a special state firesafety inspector  
136 on June 30, 2012, and who has failed to comply with paragraph  
137 (b) or paragraph (c) may not perform any firesafety inspection  
138 required by law.

139 3. A special state firesafety inspector certificate may not  
140 be issued after June 30, 2010.

141 (b)1. Any person who is a special state firesafety  
142 inspector on July 1, 2010, and who has at least 5 years of  
143 experience as a special state firesafety inspector as of July 1,  
144 2010, may take the firesafety inspection examination as provided  
145 in paragraph (2) (f) for firesafety inspectors before July 1,

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146 2012, to be certified as a firesafety inspector under this  
147 section.

148 2. Upon passing the examination, the person shall be  
149 certified as a firesafety inspector as provided in this section.

150 3. A person who fails to become certified must comply with  
151 paragraph (c) to be certified as a firesafety inspector under  
152 this section.

153 (c)1. To be certified as a firesafety inspector under this  
154 section, any person who:

155 a. Is a special state firesafety inspector on July 1, 2010,  
156 and who does not have 5 years of experience as a special state  
157 firesafety inspector as of July 1, 2010; or

158 b. Has 5 years of experience as a special state firesafety  
159 inspector but has failed the examination taken as provided in  
160 paragraph (2) (f), must take an additional 80 hours of the  
161 courses described in paragraph (2) (g).

162 2. After successfully completing the courses described in  
163 this paragraph, such person may take the firesafety inspection  
164 examination as provided in paragraph (2) (f), if such examination  
165 is taken before July 1, 2012.

166 3. Upon passing the examination, the person shall be  
167 certified as a firesafety inspector as provided in this section.

168 4. A person who fails the course of study or the  
169 examination described in this paragraph may not perform any  
170 firesafety inspection required by law on or after July 1, 2012.

171 ~~Each special state firesafety inspection which is required by~~  
172 ~~law and is conducted by or on behalf of an agency of the state~~  
173 ~~must be performed by an individual who has met the provision of~~  
174 ~~subsection (2), except that the duration of the training program~~

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175 ~~shall not exceed 120 hours of specific training for the type of~~  
176 ~~property that such special state firesafety inspectors are~~  
177 ~~assigned to inspect.~~

178 (4) A firefighter certified pursuant to s. 633.35 may  
179 conduct firesafety inspections, under the supervision of a  
180 certified firesafety inspector, while on duty as a member of a  
181 fire department company conducting inservice firesafety  
182 inspections without being certified as a firesafety inspector,  
183 if such firefighter has satisfactorily completed an inservice  
184 fire department company inspector training program of at least  
185 24 hours' duration as provided by rule of the department.

186 (5) Every firesafety inspector ~~or special state firesafety~~  
187 ~~inspector~~ certificate is valid for a period of 3 years from the  
188 date of issuance. Renewal of certification shall be subject to  
189 the affected person's completing proper application for renewal  
190 and meeting all of the requirements for renewal as established  
191 under this chapter or by rule adopted under this chapter  
192 ~~promulgated thereunder~~, which shall include completion of at  
193 least 40 hours during the preceding 3-year period of continuing  
194 education as required by the rule of the department or, in lieu  
195 thereof, successful passage of an examination as established by  
196 the department.

197 (6) The State Fire Marshal may deny, refuse to renew,  
198 suspend, or revoke the certificate of a firesafety inspector ~~or~~  
199 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~  
200 finds that any of the following grounds exist:

201 (a) Any cause for which issuance of a certificate could  
202 have been refused had it then existed and been known to the  
203 State Fire Marshal.

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204 (b) Violation of this chapter or any rule or order of the  
205 State Fire Marshal.

206 (c) Falsification of records relating to the certificate.

207 (d) Having been found guilty of or having pleaded guilty or  
208 nolo contendere to a felony, whether or not a judgment of  
209 conviction has been entered.

210 (e) Failure to meet any of the renewal requirements.

211 (f) Having been convicted of a crime in any jurisdiction  
212 which directly relates to the practice of fire code inspection,  
213 plan review, or administration.

214 (g) Making or filing a report or record that the  
215 certificateholder knows to be false, or knowingly inducing  
216 another to file a false report or record, or knowingly failing  
217 to file a report or record required by state or local law, or  
218 knowingly impeding or obstructing such filing, or knowingly  
219 inducing another person to impede or obstruct such filing.

220 (h) Failing to properly enforce applicable fire codes or  
221 permit requirements within this state which the  
222 certificateholder knows are applicable by committing willful  
223 misconduct, gross negligence, gross misconduct, repeated  
224 negligence, or negligence resulting in a significant danger to  
225 life or property.

226 (i) Accepting labor, services, or materials at no charge or  
227 at a noncompetitive rate from any person who performs work that  
228 is under the enforcement authority of the certificateholder and  
229 who is not an immediate family member of the certificateholder.  
230 For the purpose of this paragraph, the term "immediate family  
231 member" means a spouse, child, parent, sibling, grandparent,  
232 aunt, uncle, or first cousin of the person or the person's



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233 spouse or any person who resides in the primary residence of the  
234 certificateholder.

235 (7) The department shall provide by rule for the  
236 certification of firesafety inspectors.

237 (8) The State Fire Marshal may develop by rule an advanced  
238 training and certification program for firesafety inspectors  
239 with fire code management responsibilities. This program must be  
240 consistent with the appropriate provisions of National Fire  
241 Protection Association publication NFPA No. 1037 or similar  
242 standards adopted by the division. The program must establish  
243 minimum training, education, and experience levels for fire  
244 safety inspectors with fire code management responsibilities.

245 (9) The Division of State Fire Marshal, and the Florida  
246 Building Code Administrators and Inspectors Board established  
247 pursuant to s. 468.605, shall enter into a reciprocity agreement  
248 to facilitate joint recognition of continuing education  
249 recertification hours for certificateholders licensed in  
250 accordance with s. 468.609 and firesafety inspectors certified  
251 under this section.

252 Section 4. Section 1013.12, Florida Statutes, is amended to  
253 read:

254 1013.12 Casualty, safety, sanitation, and firesafety  
255 standards and inspection of property.—

256 (1) FIRESAFETY.—The State Board of Education shall adopt  
257 and administer rules prescribing standards for the safety and  
258 health of occupants of educational and ancillary plants as a  
259 part of State Requirements for Educational Facilities or the  
260 Florida Building Code for educational facilities construction as  
261 provided in s. 1013.37, except that the State Fire Marshal in

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262 consultation with the Department of Education shall adopt  
263 uniform firesafety standards for educational and ancillary  
264 plants and educational facilities, as provided in s.  
265 633.022(1)(b), and a firesafety evaluation system to be used as  
266 an alternate firesafety inspection standard for existing  
267 educational and ancillary plants and educational facilities. The  
268 uniform firesafety standards and the alternate firesafety  
269 evaluation system shall be administered and enforced by ~~local~~  
270 fire officials certified by the State Fire Marshal under s.  
271 633.081. These standards must be used by all public agencies  
272 when inspecting public educational and ancillary plants, and the  
273 firesafety standards must be used by county, municipal, or  
274 independent special local fire control district inspectors  
275 ~~officials~~ when performing firesafety inspections of public  
276 educational and ancillary plants and educational facilities. In  
277 accordance with such standards, each board shall prescribe  
278 policies and procedures establishing a comprehensive program of  
279 safety and sanitation for the protection of occupants of public  
280 educational and ancillary plants. Such policies must contain  
281 procedures for periodic inspections as prescribed in this  
282 section or chapter 633 and for withdrawal of any educational and  
283 ancillary plant, or portion thereof, from use until unsafe or  
284 unsanitary conditions are corrected or removed.

285 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
286 BOARDS.—

287 (a) Each board shall provide for periodic inspection, other  
288 than firesafety inspection, of each educational and ancillary  
289 plant at least once during each fiscal year to determine  
290 compliance with standards of sanitation and casualty safety

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291 prescribed in the rules of the State Board of Education.

292 (b) Each school cafeteria must post in a visible location  
293 and on the school website the school's semiannual sanitation  
294 certificate and a copy of its most recent sanitation inspection  
295 report.

296 (c) Under the direction of the fire official appointed by  
297 the board under s. 1013.371(2), firesafety inspections of each  
298 educational and ancillary plant located on property owned or  
299 leased by the board, or other educational facilities operated by  
300 the board, must be made no sooner than 1 year after issuance of  
301 a certificate of occupancy and annually thereafter. Such  
302 inspections shall be made by persons certified by the Division  
303 of State Fire Marshal under s. 633.081 to be eligible to conduct  
304 firesafety inspections in public educational and ancillary  
305 plants. The board shall submit a copy of the firesafety  
306 inspection report to the county, municipality, or independent  
307 special fire control district providing fire protection services  
308 to the school facility within 10 business days after the date of  
309 the inspection. Alternate schedules for delivery of reports may  
310 be agreed upon between the school district and the county,  
311 municipality, or independent special fire control district  
312 providing fire protection services to the site in cases in which  
313 delivery is impossible due to hurricanes or other natural  
314 disasters. Regardless, if immediate life-threatening  
315 deficiencies are noted in the report, the report shall be  
316 delivered immediately State Fire Marshal and, if there is a  
317 local fire official who conducts firesafety inspections, to the  
318 local fire official. In addition, the board and any other  
319 authority conducting the fire safety inspection shall certify to

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320 the State Fire Marshal that the annual inspection has been  
321 completed. The certification shall be made electronically or by  
322 such other means as directed by the State Fire Marshal.

323 (d) In each firesafety inspection report, the board shall  
324 include a plan of action and a schedule for the correction of  
325 each deficiency ~~which have been formulated in consultation with~~  
326 ~~the local fire control authority~~. If immediate life-threatening  
327 deficiencies are noted in any inspection, the board shall ~~either~~  
328 take action to promptly correct the deficiencies or withdraw the  
329 educational or ancillary plant from use until such time as the  
330 deficiencies are corrected.

331 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
332 AGENCIES.—

333 (a) A safety or sanitation inspection of any educational or  
334 ancillary plant may be made at any time by the Department of  
335 Education or any other state or local agency authorized or  
336 required to conduct such inspections by either general or  
337 special law. Each agency conducting inspections shall use the  
338 standards adopted by the Commissioner of Education in lieu of,  
339 and to the exclusion of, any other inspection standards  
340 prescribed either by statute or administrative rule. The agency  
341 shall submit a copy of the inspection report to the board.

342 (b) One firesafety inspection of each educational or  
343 ancillary plant located on the property owned or leased by the  
344 board, or other educational or ancillary plants operated by the  
345 school board, and each public college may ~~must~~ be conducted no  
346 sooner than 1 year after the issuance of the certificate of  
347 occupancy and annually thereafter ~~each fiscal year~~ by the  
348 county, municipality, or independent special fire control

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349 district in which the plant is located using the standards  
350 adopted by the State Fire Marshal. The board or public college  
351 shall cooperate with the inspecting authority when a firesafety  
352 inspection is made by a governmental authority under this  
353 paragraph.

354 (c) In each firesafety inspection report prepared pursuant  
355 to this subsection, the county, municipality, or independent  
356 special ~~local~~ fire control district, ~~official~~ in conjunction  
357 with the board, shall include a plan of action and a schedule  
358 for the correction of each deficiency. If immediate life-  
359 threatening deficiencies are noted in any inspection, the local  
360 county, municipality, or independent special fire control  
361 district, in conjunction with the fire official appointed by the  
362 board, shall ~~either~~ take action to require the board to promptly  
363 correct the deficiencies or withdraw the educational or  
364 ancillary plant facility from use until the deficiencies are  
365 corrected, subject to review by the State Fire Marshal who shall  
366 act within 10 days to ensure that the deficiencies are corrected  
367 or withdraw the plant facility from use.

368 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY  
369 DEFICIENCIES.—Upon failure of the board to take corrective  
370 action within a reasonable time, the agency making the  
371 inspection, other than a local fire official, may request the  
372 commissioner to:

373 (a) Order that appropriate action be taken to correct all  
374 deficiencies in accordance with a schedule determined jointly by  
375 the inspecting authority and the board; in developing the  
376 schedule, consideration must be given to the seriousness of the  
377 deficiencies and the ability of the board to obtain the

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378 necessary funds; or

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

382 (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-  
383 OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL  
384 BOARD.-

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

390 (b) One firesafety inspection of each charter school that  
391 is not located in facilities owned or leased by the board or a  
392 public college must be conducted each fiscal year by the county,  
393 municipality, or independent special fire control district in  
394 which the charter school is located using the standards adopted  
395 by the State Fire Marshal. Upon request, the inspecting  
396 authority shall provide a copy of each firesafety report to the  
397 board in the district in which the facility is located.

398 (c) In each firesafety inspection report and formulated in  
399 consultation with the charter school, the inspecting authority  
400 shall include a plan of action and a schedule for the correction  
401 of each deficiency. If any immediate life-threatening deficiency  
402 is noted in any inspection, the inspecting authority shall take  
403 action to require the charter school to promptly correct each  
404 deficiency or withdraw the educational or ancillary plant from  
405 use until such time as all deficiencies are corrected.

406 (d) If the charter school fails to take corrective action

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407 within the period designated in the plan of action to correct  
408 any firesafety deficiency noted under paragraph (c), the county,  
409 municipality, or independent special fire control district shall  
410 immediately report the deficiency to the State Fire Marshal and  
411 the charter school sponsor. The State Fire Marshal shall have  
412 enforcement authority with respect to charter school educational  
413 and ancillary plants and educational facilities as provided in  
414 chapter 633 for any building or structure.

415 (6) ~~(5)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
416 FACILITIES.—

417 (a) Firesafety inspections of public ~~community~~ college  
418 facilities, including charter schools located on board-owned or  
419 board-leased facilities or otherwise operated by public college  
420 boards, shall be made in accordance ~~comply~~ with the Florida Fire  
421 Prevention Code, as adopted by the State Fire Marshal.  
422 Notwithstanding s. 633.0215, provisions of the code relating to  
423 inspections of such facilities may not be subject to any local  
424 amendments as provided by s. 1013.371. Each public college  
425 facility shall be inspected annually by persons certified under  
426 s. 633.081 ~~Board of Education~~ rules.

427 (b) After each required firesafety inspection, the  
428 inspecting authority shall develop a plan of action to correct  
429 each deficiency identified. The public college shall provide a  
430 copy of each firesafety inspection report to the county,  
431 municipality, or independent special fire control district in  
432 which the facility is located.

433 (c) ~~(b)~~ Firesafety inspections of state universities shall  
434 comply with the Florida Fire Prevention Code, as adopted by the  
435 State Fire Marshal under s. 633.0215 ~~rules of the Board of~~

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436 Governors.

437 (7)~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—If a  
438 school ~~Upon failure of the board,~~ public college board, or  
439 charter school fails to correct any firesafety deficiency noted  
440 under this section ~~take corrective action~~ within the time  
441 designated in the plan of action ~~to correct any firesafety~~  
442 ~~deficiency noted under paragraph (2)(d) or paragraph (3)(c),~~ the  
443 inspecting authority ~~local fire official~~ shall immediately  
444 report the deficiency to the State Fire Marshal, who shall have  
445 enforcement authority with respect to educational and ancillary  
446 plants and educational facilities as provided in chapter 633 for  
447 any other building or structure.

448 (8)~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other rules  
449 adopted under this section or s. 633.022, the State Fire Marshal  
450 in consultation with the Department of Education shall adopt and  
451 administer rules prescribing the following standards for the  
452 safety and health of occupants of educational and ancillary  
453 plants:

454 (a) The designation of serious life-safety hazards,  
455 including, but not limited to, nonfunctional fire alarm systems,  
456 nonfunctional fire sprinkler systems, doors with padlocks or  
457 other locks or devices that preclude egress at any time,  
458 inadequate exits, hazardous electrical system conditions,  
459 potential structural failure, and storage conditions that create  
460 a fire hazard.

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

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



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465       ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~  
466 ~~annual report to be filed with the substantive committees of the~~  
467 ~~state House of Representatives and Senate having jurisdiction~~  
468 ~~over education, the Commissioner of Education or his or her~~  
469 ~~successor, the State Board of Education, the Board of Governors,~~  
470 ~~and the Governor documenting the status of each board's~~  
471 ~~firesafety program, including the improvement or lack thereof.~~

472       Section 5. Paragraph (a) of subsection (1) and subsection  
473 (2) of section 1013.371, Florida Statutes, are amended to read:  
474       1013.371 Conformity to codes.—

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

477       (a) Except as otherwise provided in paragraph (b), all  
478 public educational and ancillary plants constructed by a board  
479 must conform to the Florida Building Code and the Florida Fire  
480 Prevention Code, and the plants are exempt from all other state  
481 building codes; county, municipal, or other local amendments to  
482 the Florida Building Code and local amendments to the Florida  
483 Fire Prevention Code; building permits, and assessments of fees  
484 for building permits, except as provided in s. 553.80;  
485 ordinances; road closures; and impact fees or service  
486 availability fees. Any inspection by local or state government  
487 must be based on the Florida Building Code and the Florida Fire  
488 Prevention Code. Each board shall provide for periodic  
489 inspection of the proposed educational plant during each phase  
490 of construction to determine compliance with the Florida  
491 Building Code, the Florida Fire Prevention Code, and the State  
492 Requirements for Educational Facilities.

493       (2) ENFORCEMENT BY BOARD.—It is the responsibility of each

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494 board to ensure that all plans and educational and ancillary  
495 plants meet the standards of the Florida Building Code and the  
496 Florida Fire Prevention Code and to provide for the enforcement  
497 of these codes in the areas of its jurisdiction. Each board  
498 shall provide for the proper supervision and inspection of the  
499 work. Each board may employ a chief building official ~~or~~  
500 ~~inspector~~ and such other inspectors, who have been certified  
501 pursuant to chapter 468, and a fire official and such other  
502 inspectors, who have been certified pursuant to chapter 633, and  
503 such personnel as ~~are~~ necessary to administer and enforce the  
504 provisions of such codes ~~this code~~. Boards may also use local  
505 building department inspectors who are certified by the  
506 department to enforce the Florida Building Code and the State  
507 Requirements for Educational Facilities ~~this code~~. Boards may  
508 also use local county, municipal, or independent special fire  
509 control district firesafety inspectors who are certified by the  
510 State Fire Marshal to conduct reviews of site plans and  
511 inspections and to enforce the Florida Fire Prevention Code.  
512 Plans or facilities that fail to meet the standards of the  
513 Florida Building Code or the Florida Fire Prevention Code may  
514 not be approved. When planning for and constructing an  
515 educational, auxiliary, or ancillary facility, a board must use  
516 construction materials and systems that meet standards adopted  
517 pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual  
518 construction of a facility deviates from the adopted standards,  
519 the board must, at a public hearing, quantify and compare the  
520 costs of constructing the facility with the proposed deviations  
521 and in compliance with the adopted standards and the Florida  
522 Building Code. The board must explain the reason for the

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523 proposed deviations and compare how the total construction costs  
524 and projected life-cycle costs of the facility or component  
525 system of the facility would be affected by implementing the  
526 proposed deviations rather than using materials and systems that  
527 meet the adopted standards.

528 Section 6. Section 1013.38, Florida Statutes, is amended to  
529 read:

530 1013.38 Boards to ensure that facilities comply with  
531 building codes and life safety codes.—

532 (1) Boards shall ensure that all new construction,  
533 renovation, remodeling, day labor, and maintenance projects  
534 conform to the appropriate sections of the Florida Building  
535 Code, Florida Fire Prevention Code, or, where applicable as  
536 authorized in other sections of law, other building codes, and  
537 life safety codes.

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

543 (b) The local county, municipality, or independent special  
544 fire control district may review each site plan for compliance  
545 with the applicable provisions of the Florida Fire Prevention  
546 Code relating to fire department access roads, fire-protection  
547 system connection locations, and fire hydrant spacing. Such site  
548 plans are not subject to local amendments to the Florida Fire  
549 Prevention Code or local ordinances as provided in s. 1013.371.  
550 Site plan reviews conducted pursuant to this section shall be  
551 performed at no charge to the school board or public college

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552 board.

553 (c) The site plan shall be deemed approved unless the local  
554 county, municipality, or independent special fire control  
555 district submits to the fire official appointed by the board, in  
556 writing, any deficiencies identified with reference to specific  
557 provisions of the Florida Fire Prevention Code within 15 days  
558 after receipt of the site plan. The fire official shall  
559 incorporate such comments into his or her review and subsequent  
560 inspections.

561 (d) If the local county, municipality, or independent  
562 special fire control district and the fire official appointed by  
563 the board do not agree on the requirements or application of the  
564 Florida Fire Prevention Code, either party may refer the matter  
565 to the State Fire Marshal, who shall have final administrative  
566 authority in resolving the matter.

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

569 (a) Boards or consortia may individually or cooperatively  
570 provide review services under the insurance risk management  
571 oversight through the use of board employees or consortia  
572 employees, registered pursuant to chapter 471, chapter 481, or  
573 part XII of chapter 468 and firesafety inspectors certified  
574 under s. 633.081.

575 (b) Boards may elect to review construction documents using  
576 their own employees registered pursuant to chapter 471, chapter  
577 481, or part XII of chapter 468 and firesafety inspectors  
578 certified under s. 633.081.

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

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581 (d) Boards or consortia may contract for plan review  
582 services directly with engineers and architects registered  
583 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
584 certified under s. 633.081.

585 (3) The Department of Management Services may, upon  
586 request, provide facilities services for the Florida School for  
587 the Deaf and the Blind, the Division of Blind Services, and  
588 public broadcasting. As used in this section, the term  
589 "facilities services" means project management, code and design  
590 plan review, and code compliance inspection for projects as  
591 defined in s. 287.017(1)(e).

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

594 1. Approve or cause to be approved the construction  
595 documents and evaluate such documents for compliance with the  
596 Florida Building Code and the Florida Fire Prevention Code.

597 2. Ensure compliance with all applicable firesafety codes  
598 and standards by contracting with a firesafety inspector  
599 certified by the State Fire Marshal under s. 633.081.

600 (b) A certificate of occupancy may not be issued until the  
601 board, through its designated certified building official, has  
602 determined that the building or structure and its site  
603 conditions comply with all applicable statutes and rules.

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

607 (d) Upon request by the local county, municipality, or  
608 independent special fire control district, the board shall  
609 provide reasonable access to all construction documents.

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Section 7. This act shall take effect July 1, 2010.