

1                   A bill to be entitled  
2           An act relating to firesafety; amending s. 633.01, F.S.;  
3           revising the rulemaking authority and responsibilities of  
4           the State Fire Marshal relating to educational and  
5           ancillary plants; amending s. 633.021, F.S.; revising the  
6           definition of the term "firesafety inspector"; amending s.  
7           633.081, F.S.; revising requirements and procedures for  
8           inspections of buildings and equipment; abolishing special  
9           state firesafety inspector classifications and  
10          certifications; providing criteria, procedures, and  
11          requirements for special state firesafety inspectors to be  
12          certified as firesafety inspectors; authorizing the State  
13          Fire Marshal to develop an advanced training and  
14          certification program for certain firesafety inspectors;  
15          specifying program requirements; requiring the State Fire  
16          Marshal and the Florida Building Code Administrators and  
17          Inspectors Board to enter into a reciprocity agreement to  
18          recognize certain continuing education recertification  
19          hours for certain purposes; amending s. 1013.12, F.S.;  
20          revising procedures and requirements for certain standards  
21          and inspection of educational property; providing  
22          procedures, criteria, and requirements for inspections of  
23          certain charter schools; providing reporting requirements;  
24          amending s. 1013.371, F.S.; revising firesafety inspection  
25          requirements for educational institution boards to conform  
26          to certain codes; revising certain code enforcement  
27          authority of such boards; amending s. 1013.38, F.S.;  
28          requiring educational institution boards to submit certain

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

42

43 Be It Enacted by the Legislature of the State of Florida:

44

45 Section 1. Subsection (7) of section 633.01, Florida  
 46 Statutes, is amended to read:

47 633.01 State Fire Marshal; powers and duties; rules.—

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

HB 531

2010

57 | 191.003 ~~fire official~~ with respect to firesafety inspections of  
 58 | educational property required under s. 1013.12(3)(b), and the  
 59 | State Fire Marshal may take necessary corrective action as  
 60 | authorized under s. 1013.12 (7) ~~(6)~~.

61 | Section 2. Subsection (10) of section 633.021, Florida  
 62 | Statutes, is amended to read:

63 | 633.021 Definitions.—As used in this chapter:

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

70 | Section 3. Section 633.081, Florida Statutes, is amended  
 71 | to read:

72 | 633.081 Inspection of buildings and equipment; orders;  
 73 | firesafety inspection training requirements; certification;  
 74 | disciplinary action.—The State Fire Marshal and her or his  
 75 | agents may ~~shall~~, at any reasonable hour, when the State Fire  
 76 | Marshal department has reasonable cause to believe that a  
 77 | violation of this chapter or s. 509.215, or a rule adopted under  
 78 | this chapter or s. 509.215 promulgated thereunder, or a minimum  
 79 | firesafety code adopted by the State Fire Marshal or a local  
 80 | authority, may exist, inspect any and all buildings and  
 81 | structures which are subject to the requirements of this chapter  
 82 | or s. 509.215 and any rule adopted under this chapter or s.  
 83 | 509.215 rules promulgated thereunder. The authority to inspect  
 84 | shall extend to all equipment, vehicles, and chemicals which are

HB 531

2010

85 | located on or within the premises of any such building or  
86 | structure.

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

98 |       (2) Every firesafety inspection conducted pursuant to  
99 | state or local firesafety requirements shall be by a person  
100 | certified as having met the inspection training requirements set  
101 | by the State Fire Marshal. Such person shall:

102 |       (a) Be a high school graduate or the equivalent as  
103 | determined by the department;

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

110 |       (c) Have her or his fingerprints on file with the  
111 | department or with an agency designated by the department;

112 (d) Have good moral character as determined by the  
 113 department;

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

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

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

123 2. Have received in another state training which is  
 124 determined by the department to be at least equivalent to that  
 125 required by the department for approved firesafety inspector  
 126 education and training programs in this state.

127 (3) (a)1. Effective July 1, 2012, the classification of  
 128 special state firesafety inspector is abolished and all special  
 129 state firesafety inspector certifications shall expire at  
 130 midnight June 30, 2012.

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

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

137 (b)1. Any person who is a special state firesafety  
 138 inspector on July 1, 2010, and who has at least 5 years of  
 139 experience as a special state firesafety inspector as of July 1,

HB 531

2010

140 2010, may take the firesafety inspection examination as provided  
141 in paragraph (2) (f) for firesafety inspectors before July 1,  
142 2012, to be certified as a firesafety inspector under this  
143 section.

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

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

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

151 a. Is a special state firesafety inspector on July 1,  
152 2010, and who does not have 5 years of experience as a special  
153 state firesafety inspector as of July 1, 2010; or

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

158 2. After successfully completing the courses described in  
159 this paragraph, such person may take the firesafety inspection  
160 examination as provided in paragraph (2) (f), if such examination  
161 is taken before July 1, 2012.

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

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

167 ~~Each special state firesafety inspection which is required by~~

HB 531

2010

168 ~~law and is conducted by or on behalf of an agency of the state~~  
169 ~~must be performed by an individual who has met the provision of~~  
170 ~~subsection (2), except that the duration of the training program~~  
171 ~~shall not exceed 120 hours of specific training for the type of~~  
172 ~~property that such special state firesafety inspectors are~~  
173 ~~assigned to inspect.~~

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

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

193 (6) The State Fire Marshal may deny, refuse to renew,  
194 suspend, or revoke the certificate of a firesafety inspector ~~or~~

HB 531

2010

195 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~  
 196 finds that any of the following grounds exist:

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

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

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

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

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

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

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

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



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

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

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

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

248 Section 4. Section 1013.12, Florida Statutes, is amended  
 249 to read:

250 1013.12 Casualty, safety, sanitation, and firesafety  
 251 standards and inspection of property.—

252 (1) FIRESAFETY.—The State Board of Education shall adopt  
 253 and administer rules prescribing standards for the safety and  
 254 health of occupants of educational and ancillary plants as a  
 255 part of State Requirements for Educational Facilities or the  
 256 Florida Building Code for educational facilities construction as  
 257 provided in s. 1013.37, except that the State Fire Marshal in  
 258 consultation with the Department of Education shall adopt  
 259 uniform firesafety standards for educational and ancillary  
 260 plants and educational facilities, as provided in s.  
 261 633.022(1)(b), and a firesafety evaluation system to be used as  
 262 an alternate firesafety inspection standard for existing  
 263 educational and ancillary plants and educational facilities. The  
 264 uniform firesafety standards and the alternate firesafety  
 265 evaluation system shall be administered and enforced by ~~local~~  
 266 fire officials certified by the State Fire Marshal under s.  
 267 633.081. These standards must be used by all public agencies  
 268 when inspecting public educational and ancillary plants, and the  
 269 firesafety standards must be used by county, municipal, or  
 270 independent special ~~local~~ fire control district inspectors  
 271 ~~officials~~ when performing firesafety inspections of public  
 272 educational and ancillary plants and educational facilities. In  
 273 accordance with such standards, each board shall prescribe  
 274 policies and procedures establishing a comprehensive program of  
 275 safety and sanitation for the protection of occupants of public  
 276 educational and ancillary plants. Such policies must contain  
 277 procedures for periodic inspections as prescribed in this

278 | section or chapter 633 and for withdrawal of any educational and  
 279 | ancillary plant, or portion thereof, from use until unsafe or  
 280 | unsanitary conditions are corrected or removed.

281 | (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
 282 | BOARDS.—

283 | (a) Each board shall provide for periodic inspection,  
 284 | other than firesafety inspection, of each educational and  
 285 | ancillary plant at least once during each fiscal year to  
 286 | determine compliance with standards of sanitation and casualty  
 287 | safety prescribed in the rules of the State Board of Education.

288 | (b) Each school cafeteria must post in a visible location  
 289 | and on the school website the school's semiannual sanitation  
 290 | certificate and a copy of its most recent sanitation inspection  
 291 | report.

292 | (c) Under the direction of the fire official appointed by  
 293 | the board under s. 1013.371(2), firesafety inspections of each  
 294 | educational and ancillary plant located on property owned or  
 295 | leased by the board, or other educational facilities operated by  
 296 | the board, must be made no sooner than 1 year after issuance of  
 297 | a certificate of occupancy and annually thereafter. Such  
 298 | inspections shall be made by persons certified by the Division  
 299 | of State Fire Marshal under s. 633.081 ~~to be eligible to~~ conduct  
 300 | firesafety inspections in public educational and ancillary  
 301 | plants. The board shall submit a copy of the firesafety  
 302 | inspection report to the county, municipality, or independent  
 303 | special fire control district providing fire protection services  
 304 | to the school facility within 10 business days after the date of  
 305 | the inspection. Alternate schedules for delivery of reports may

306 be agreed upon between the school district and the county,  
 307 municipality, or independent special fire control district  
 308 providing fire protection services to the site in cases in which  
 309 delivery is impossible due to hurricanes or other natural  
 310 disasters. Regardless, if immediate life-threatening  
 311 deficiencies are noted in the report, the report shall be  
 312 delivered immediately State Fire Marshal and, if there is a  
 313 ~~local fire official who conducts firesafety inspections, to the~~  
 314 ~~local fire official.~~ In addition, the board and any other  
 315 authority conducting the fire safety inspection shall certify to  
 316 the State Fire Marshal that the annual inspection has been  
 317 completed. The certification shall be made electronically or by  
 318 such other means as directed by the State Fire Marshal.

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

327 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
 328 AGENCIES.—

329 (a) A safety or sanitation inspection of any educational  
 330 or ancillary plant may be made at any time by the Department of  
 331 Education or any other state or local agency authorized or  
 332 required to conduct such inspections by either general or  
 333 special law. Each agency conducting inspections shall use the

HB 531

2010

334 standards adopted by the Commissioner of Education in lieu of,  
 335 and to the exclusion of, any other inspection standards  
 336 prescribed either by statute or administrative rule. The agency  
 337 shall submit a copy of the inspection report to the board.

338 (b) One firesafety inspection of each educational or  
 339 ancillary plant located on the property owned or leased by the  
 340 board, or other educational or ancillary plants operated by the  
 341 school board, and each public college may ~~must~~ be conducted no  
 342 sooner than 1 year after the issuance of the certificate of  
 343 occupancy and annually thereafter ~~each fiscal year~~ by the  
 344 county, municipality, or independent special fire control  
 345 district in which the plant is located using the standards  
 346 adopted by the State Fire Marshal. The board or public college  
 347 shall cooperate with the inspecting authority when a firesafety  
 348 inspection is made by a governmental authority under this  
 349 paragraph.

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

HB 531

2010

362 act within 10 days to ensure that the deficiencies are corrected  
 363 or withdraw the plant ~~faecility~~ from use.

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

369 (a) Order that appropriate action be taken to correct all  
 370 deficiencies in accordance with a schedule determined jointly by  
 371 the inspecting authority and the board; in developing the  
 372 schedule, consideration must be given to the seriousness of the  
 373 deficiencies and the ability of the board to obtain the  
 374 necessary funds; or

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

378 (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-  
 379 OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL  
 380 BOARD.—

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

386 (b) One firesafety inspection of each charter school that  
 387 is not located in facilities owned or leased by the board or a  
 388 public college must be conducted each fiscal year by the county,  
 389 municipality, or independent special fire control district in

390 which the charter school is located using the standards adopted  
 391 by the State Fire Marshal. Upon request, the inspecting  
 392 authority shall provide a copy of each firesafety report to the  
 393 board in the district in which the facility is located.

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

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

411 (6) ~~(5)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
 412 FACILITIES.-

413 (a) Firesafety inspections of public ~~community~~ college  
 414 facilities, including charter schools located on board-owned or  
 415 board-leased facilities or otherwise operated by public college  
 416 boards, shall be made in accordance ~~comply~~ with the Florida Fire  
 417 Prevention Code, as adopted by the State Fire Marshal.

418 Notwithstanding s. 633.0215, provisions of the code relating to  
 419 inspections of such facilities may not be subject to any local  
 420 amendments as provided by s. 1013.371. Each public college  
 421 facility shall be inspected annually by persons certified under  
 422 s. 633.081 Board of Education rules.

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

429 (c) ~~(b)~~ Firesafety inspections of state universities shall  
 430 comply with the Florida Fire Prevention Code, as adopted by the  
 431 State Fire Marshal under s. 633.0215 rules of the Board of  
 432 Governors.

433 (7) ~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—If a  
 434 school Upon failure of the board, public college board, or  
 435 charter school fails to correct any firesafety deficiency noted  
 436 under this section take corrective action within the time  
 437 designated in the plan of action to correct any firesafety  
 438 deficiency noted under paragraph (2) (d) or paragraph (3) (c), the  
 439 inspecting authority local fire official shall immediately  
 440 report the deficiency to the State Fire Marshal, who shall have  
 441 enforcement authority with respect to educational and ancillary  
 442 plants and educational facilities as provided in chapter 633 for  
 443 any other building or structure.

444 (8) ~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other  
 445 rules adopted under this section or s. 633.022, the State Fire



446 Marshal in consultation with the Department of Education shall  
 447 adopt and administer rules prescribing the following standards  
 448 for the safety and health of occupants of educational and  
 449 ancillary plants:

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

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

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

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

468 Section 5. Paragraph (a) of subsection (1) and subsection  
 469 (2) of section 1013.371, Florida Statutes, are amended to read:

470 1013.371 Conformity to codes.—

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

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

489 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each  
 490 board to ensure that all plans and educational and ancillary  
 491 plants meet the standards of the Florida Building Code and the  
 492 Florida Fire Prevention Code and to provide for the enforcement  
 493 of these codes in the areas of its jurisdiction. Each board  
 494 shall provide for the proper supervision and inspection of the  
 495 work. Each board may employ a chief building official ~~or~~  
 496 ~~inspector~~ and such other inspectors, who have been certified  
 497 pursuant to chapter 468, and a fire official and such other  
 498 inspectors, who have been certified pursuant to chapter 633, and  
 499 such personnel as ~~are~~ necessary to administer and enforce the  
 500 provisions of such codes ~~this code~~. Boards may also use local

HB 531

2010

501 building department inspectors who are certified by the  
502 department to enforce the Florida Building Code and the State  
503 Requirements for Educational Facilities ~~this code~~. Boards may  
504 also use local county, municipal, or independent special fire  
505 control district firesafety inspectors who are certified by the  
506 State Fire Marshal to conduct reviews of site plans and  
507 inspections and to enforce the Florida Fire Prevention Code.  
508 Plans or facilities that fail to meet the standards of the  
509 Florida Building Code or the Florida Fire Prevention Code may  
510 not be approved. When planning for and constructing an  
511 educational, auxiliary, or ancillary facility, a board must use  
512 construction materials and systems that meet standards adopted  
513 pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual  
514 construction of a facility deviates from the adopted standards,  
515 the board must, at a public hearing, quantify and compare the  
516 costs of constructing the facility with the proposed deviations  
517 and in compliance with the adopted standards and the Florida  
518 Building Code. The board must explain the reason for the  
519 proposed deviations and compare how the total construction costs  
520 and projected life-cycle costs of the facility or component  
521 system of the facility would be affected by implementing the  
522 proposed deviations rather than using materials and systems that  
523 meet the adopted standards.

524 Section 6. Section 1013.38, Florida Statutes, is amended  
525 to read:

526 1013.38 Boards to ensure that facilities comply with  
527 building codes and life safety codes.—

HB 531

2010

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

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

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

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

HB 531

2010

556 inspections.

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

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

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

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

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

577 (d) Boards or consortia may contract for plan review  
578 services directly with engineers and architects registered  
579 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
580 certified under s. 633.081.

581 (3) The Department of Management Services may, upon  
582 request, provide facilities services for the Florida School for  
583 the Deaf and the Blind, the Division of Blind Services, and

HB 531

2010

584 public broadcasting. As used in this section, the term  
585 "facilities services" means project management, code and design  
586 plan review, and code compliance inspection for projects as  
587 defined in s. 287.017(1)(e).

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

590 1. Approve or cause to be approved the construction  
591 documents and evaluate such documents for compliance with the  
592 Florida Building Code and the Florida Fire Prevention Code.

593 2. Ensure compliance with all applicable firesafety codes  
594 and standards by contracting with a firesafety inspector  
595 certified by the State Fire Marshal under s. 633.081.

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

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

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

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