

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; amending s.
14 1013.12, F.S.; revising procedures and requirements
15 for certain standards and inspection of educational
16 property; providing procedures, criteria, and
17 requirements for inspections of charter schools;
18 providing reporting requirements; revising
19 requirements for inspections of public postsecondary
20 education facilities; deleting a provision requiring
21 that the State Fire Marshal publish an annual report;
22 amending s. 1013.371, F.S.; revising firesafety
23 inspection requirements for educational institution
24 boards to conform to certain codes; revising certain
25 code enforcement authority of such boards; amending s.
26 1013.38, F.S.; requiring educational institution
27 boards to submit certain facility site plans to
28 certain local governmental entities for review;
29 authorizing such entities to review site plans for

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30 compliance with certain provisions of the Florida Fire
31 Prevention Code; specifying that site plans are not
32 subject to local ordinances or local amendments to the
33 Florida Fire Prevention Code; providing criteria for
34 approving site plans and correcting firesafety
35 compliance deficiencies; providing for referral of
36 disputes to the State Fire Marshal; authorizing such
37 boards to use certain firesafety inspectors for
38 certain compliance reviews; imposing additional
39 requirements for such boards relating to construction,
40 renovation, or remodeling of educational facilities;
41 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.
57 191.003 ~~fire official~~ with respect to firesafety inspections of
58 educational property required under s. 1013.12(3)(b), and the

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59 State Fire Marshal may take necessary corrective action as
60 authorized under s. 1013.12 (7) ~~(6)~~.

61 Section 2. Subsection (11) of section 633.021, Florida
62 Statutes, is amended to read:

63 633.021 Definitions.—As used in this chapter:

64 (11) A "firesafety inspector" is an individual certified by
65 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 to
71 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 shall, at any reasonable hour, when the State Fire
76 Marshal has reasonable cause to believe that a violation of this
77 chapter or s. 509.215, or a rule promulgated thereunder, or a
78 minimum firesafety code adopted by the State Fire Marshall or a
79 local authority, may exist, inspect any and all buildings and
80 structures which are subject to the requirements of this chapter
81 or s. 509.215 and rules promulgated thereunder. The authority to
82 inspect shall extend to all equipment, vehicles, and chemicals
83 which are located on or within the premises of any such building
84 or structure.

85 (1) Each county, municipality, and special district that
86 has firesafety enforcement responsibilities shall employ or
87 contract with a firesafety inspector. Except as provided in s.

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88 633.082(2), the firesafety inspector must conduct all firesafety
89 inspections that are required by law. The governing body of a
90 county, municipality, or special district that has firesafety
91 enforcement responsibilities may provide a schedule of fees to
92 pay only the costs of inspections conducted pursuant to this
93 subsection and related administrative expenses. Two or more
94 counties, municipalities, or special districts that have
95 firesafety enforcement responsibilities may jointly employ or
96 contract with a firesafety inspector.

97 (2) Except as provided in s. 633.082(2), every firesafety
98 inspection conducted pursuant to state or local firesafety
99 requirements shall be by a person certified as having met the
100 inspection training requirements set by the State Fire Marshal.
101 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 guilty
105 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

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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, 2013, 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, 2013.

131 2. Any person who is a special state firesafety inspector
132 on June 30, 2013, 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 not
136 be issued after June 30, 2011.

137 (b)1. Any person who is a special state firesafety
138 inspector on July 1, 2011, and who has at least 5 years of
139 experience as a special state firesafety inspector as of July 1,
140 2011, may take the firesafety inspection examination as provided
141 in paragraph (2)(f) for firesafety inspectors before July 1,
142 2013, 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.

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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, 2011,
152 and who does not have 5 years of experience as a special state
153 firesafety inspector as of July 1, 2011; 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),

157
158 must take an additional 80 hours of the courses described in
159 paragraph (2) (g).

160 2. After successfully completing the courses described in
161 this paragraph, such person may take the firesafety inspection
162 examination as provided in paragraph (2) (f), if such examination
163 is taken before July 1, 2013.

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

166 4. A person who fails the course of study or the
167 examination described in this paragraph may not perform any
168 firesafety inspection required by law on or after July 1, 2013.
169 ~~Each special state firesafety inspection which is required by~~
170 ~~law and is conducted by or on behalf of an agency of the state~~
171 ~~must be performed by an individual who has met the provision of~~
172 ~~subsection (2), except that the duration of the training program~~
173 ~~shall not exceed 120 hours of specific training for the type of~~
174 ~~property that such special state firesafety inspectors are~~

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175 ~~assigned to inspect.~~

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

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

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

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

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

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

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

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

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

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

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

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

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233 (7) The Division of State Fire Marshal and the Florida
234 Building Code Administrators and Inspectors Board, established
235 pursuant to s. 468.605, shall enter into a reciprocity agreement
236 to facilitate joint recognition of continuing education
237 recertification hours for certificateholders licensed under s.
238 468.609 and firesafety inspectors certified under subsection
239 (2).

240 (8) The State Fire Marshal shall develop by rule an
241 advanced training and certification program for firesafety
242 inspectors having fire code management responsibilities. The
243 program must be consistent with the appropriate provisions of
244 NFPA 1037, or similar standards adopted by the division, and
245 establish minimum training, education, and experience levels for
246 firesafety inspectors having fire code management
247 responsibilities.

248 (9) The department shall provide by rule for the
249 certification of firesafety inspectors.

250 Section 4. Section 1013.12, Florida Statutes, is amended to
251 read:

252 1013.12 Casualty, safety, sanitation, and firesafety
253 standards and inspection of property.—

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

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

283 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
284 BOARDS.—

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

290 (b) Each school cafeteria must post in a visible location

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291 and on the school website the school's semiannual sanitation
292 certificate and a copy of its most recent sanitation inspection
293 report.

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

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320 such other means as directed by the State Fire Marshal.

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

329 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
330 AGENCIES.—

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

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

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349 shall cooperate with the inspecting authority when a firesafety
350 inspection is made by a governmental authority under this
351 paragraph.

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

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

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

377 (b) After 30 calendar days' notice to the board, order all

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378 or a portion of the educational or ancillary plant withdrawn
379 from use until the deficiencies are corrected.

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

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

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

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

404 (d) If the charter school fails to take corrective action
405 within the period designated in the plan of action to correct
406 any firesafety deficiency noted under paragraph (c), the county,

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407 municipality, or independent special fire control district shall
408 immediately report the deficiency to the State Fire Marshal and
409 the charter school sponsor. The State Fire Marshal has
410 enforcement authority with respect to charter school educational
411 and ancillary plants and educational facilities as provided in
412 chapter 633 for any building or structure.

413 (6)~~(5)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
414 FACILITIES.-

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

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

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

435 (7)~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.-If a

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

446 (8) ~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other rules
447 adopted under this section or s. 633.022, the State Fire Marshal
448 in consultation with the Department of Education shall adopt and
449 administer rules prescribing the following standards for the
450 safety and health of occupants of educational and ancillary
451 plants:

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

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

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

463 ~~(8) ANNUAL REPORT.—The State Fire Marshal shall publish an~~
464 ~~annual report to be filed with the substantive committees of the~~

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465 ~~state House of Representatives and Senate having jurisdiction~~
466 ~~over education, the Commissioner of Education or his or her~~
467 ~~successor, the State Board of Education, the Board of Governors,~~
468 ~~and the Governor documenting the status of each board's~~
469 ~~firesafety program, including the improvement or lack thereof.~~

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

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

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

491 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each
492 board to ensure that all plans and educational and ancillary
493 plants meet the standards of the Florida Building Code and the

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

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523 system of the facility would be affected by implementing the
524 proposed deviations rather than using materials and systems that
525 meet the adopted standards.

526 Section 6. Section 1013.38, Florida Statutes, is amended to
527 read:

528 1013.38 Boards to ensure that facilities comply with
529 building codes and life safety codes.-

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

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

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

551 (c) The site plan shall be deemed approved unless the local

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

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

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

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

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

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

579 (d) Boards or consortia may contract for plan review
580 services directly with engineers and architects registered

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581 pursuant to chapter 471 or chapter 481 and firesafety inspectors
582 certified under s. 633.081.

583 (3) The Department of Management Services may, upon
584 request, provide facilities services for the Florida School for
585 the Deaf and the Blind, the Division of Blind Services, and
586 public broadcasting. As used in this section, the term
587 "facilities services" means project management, code and design
588 plan review, and code compliance inspection for projects as
589 defined in s. 287.017(5).

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

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

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

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

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

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

608 Section 7. This act shall take effect July 1, 2011.

609