

1 A bill to be entitled
 2 An act relating to firesafety; amending s. 633.202,
 3 F.S.; defining terms; exempting nonresidential farm
 4 buildings and agricultural pole barns, rather than
 5 specified structures located on agricultural property,
 6 from the Florida Fire Prevention Code under specified
 7 circumstances; requiring the State Fire Marshal to
 8 conduct a study addressing certain secondary uses of
 9 nonresidential farm buildings; requiring the State
 10 Fire Marshal to convene a workgroup by a specified
 11 date to assist with the study; requiring the State
 12 Fire Marshal to initiate rulemaking by a specified
 13 date if the study determines that certain life safety
 14 or fire prevention standards are required; amending s.
 15 633.208, F.S.; authorizing a local fire official to
 16 consider a specified publication when identifying an
 17 alternative to a firesafety code; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsection (16) of section 633.202, Florida
 23 Statutes, is amended to read:

24 633.202 Florida Fire Prevention Code.—

25 (16) (a) As used in this subsection, the term:

26 1. "Agricultural pole barn" means a nonresidential farm

27 building in which 90 percent or more of the perimeter walls are
28 permanently open and allow free ingress and egress.

29 2. "Nonresidential farm building" has the same meaning as
30 provided in s. 604.50.

31 (b) A nonresidential farm building structure, located on
32 property that is classified for ad valorem purposes as
33 agricultural, which is part of a farming or ranching operation,
34 in which the occupancy is limited by the property owner to no
35 more than 35 persons, and which is not used by the public for
36 direct sales or as an educational outreach facility, is exempt
37 from the Florida Fire Prevention Code, including the national
38 codes and Life Safety Code incorporated by reference. This
39 paragraph does not include structures used for residential or
40 assembly occupancies, as defined in the Florida Fire Prevention
41 Code.

42 (c) Notwithstanding any other provision of law, a
43 nonresidential farm building is exempt from the Florida Fire
44 Prevention Code, including the national codes and the Life
45 Safety Code incorporated by reference, if all of the following
46 conditions are met:

47 1. The nonresidential farm building is used by the owner
48 only for the secondary purposes of assembly, business, or
49 mercantile occupancy, as defined in the Florida Fire Prevention
50 Code, and is not used for lodging purposes.

51 2. At each event, fewer than 100 persons occupy the
52 building at one time.

53 3. There are at least two means of egress or openings of
54 at least 36 inches in width and 80 inches in height.

55 4. The nonresidential farm building provides at least 7
56 square feet per person in attendance if the building is not
57 concentrated with chairs, tables, or other obstacles and 15
58 square feet per person in attendance if the building is
59 concentrated with chairs, tables, or other obstacles.

60 5. The storage of combustible or flammable liquids inside
61 the nonresidential farm building during each event is not
62 permitted.

63 (d) Notwithstanding any other provision of law, an
64 agricultural pole barn is exempt from the Florida Fire
65 Prevention Code, including the national fire codes and the Life
66 Safety Code incorporated by reference.

67 (e) The State Fire Marshal shall conduct a study on the
68 secondary use of nonresidential farm buildings as assembly,
69 business, or mercantile occupancies with 100 persons or more in
70 attendance and on the development of a fire safety evaluation
71 system for nonresidential farm buildings used for those
72 occupancies.

73 1. The State Fire Marshal shall convene a workgroup on or
74 before September 1, 2015, to assist with the study. The
75 workgroup must include a representative of the Florida
76 Agritourism Association, the Florida Farm Bureau, the Department
77 of Agriculture and Consumer Services, the Florida Fire Chiefs
78 Association, the Florida Professional Firefighters Association,

79 the Florida Fire Marshals and Inspectors Association, and the
 80 Florida Volunteer Firefighters Association. The workgroup may
 81 include other interested parties.

82 2. Based on the study, if the State Fire Marshal
 83 determines that the secondary use of nonresidential farm
 84 buildings as described in this paragraph requires alternative
 85 life safety or fire prevention standards instead of those
 86 currently specified in the Florida Fire Prevention Code, the
 87 State Fire Marshal shall, in coordination with the Department of
 88 Agriculture and Consumer Services, adopt the alternative
 89 standards by rule. Rulemaking shall be initiated on or before
 90 December 1, 2015.

91 (17)(b) A tent up to 900 square ~~30~~ feet ~~by 30~~ feet is
 92 exempt from the Florida Fire Prevention Code, including the
 93 national codes incorporated by reference.

94 Section 2. Subsection (5) of section 633.208, Florida
 95 Statutes, is amended to read:

96 633.208 Minimum firesafety standards.—

97 (5) With regard to existing buildings, the Legislature
 98 recognizes that it is not always practical to apply any or all
 99 of the provisions of the Florida Fire Prevention Code and that
 100 physical limitations may require disproportionate effort or
 101 expense with little increase in fire or life safety. Before
 102 ~~Prior to~~ applying the minimum firesafety code to an existing
 103 building, the local fire official shall determine whether ~~that~~ a
 104 threat to lifesafety or property exists. If a threat to

105 | lifesafety or property exists, the fire official shall apply the
106 | applicable firesafety code for existing buildings to the extent
107 | practical to ensure ~~assure~~ a reasonable degree of lifesafety and
108 | safety of property or the fire official shall fashion a
109 | reasonable alternative that ~~which~~ affords an equivalent degree
110 | of lifesafety and safety of property. The local fire official
111 | may consider the fire safety evaluation systems found in NFPA
112 | 101A, Guide on Alternative Solutions to Life Safety, adopted by
113 | the State Fire Marshal, as acceptable systems for the
114 | identification of low-cost, reasonable alternatives. The
115 | decision of the local fire official may be appealed to the local
116 | administrative board described in s. 553.73.

117 | Section 3. This act shall take effect July 1, 2015.