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576-03397-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to firesafety; amending s. 633.202, F.S.; defining terms; exempting nonresidential farm buildings and agricultural pole barns, rather than specified structures located on agricultural property, from the Florida Fire Prevention Code under specified circumstances; authorizing the local fire official to request notification of certain events held in a nonresidential farm building; requiring the State Fire Marshal to conduct a study addressing certain secondary uses of nonresidential farm buildings; requiring the State Fire Marshal to convene a workgroup by a specified date to assist with the study; requiring the State Fire Marshal to initiate rulemaking by a specified date if the study determines that certain life safety or fire prevention standards are required; revising the maximum measurements of a tent that is exempt from the Florida Fire Prevention Code; amending s. 633.208, F.S.; authorizing a local fire official to consider a specified publication when identifying an alternative to a firesafety code; providing an effective date.

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

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



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633.202 Florida Fire Prevention Code.-

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

1. "Agricultural pole barn" means a nonresidential farm building in which 90 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

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

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

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

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

2. Each event has less than 100 persons occupying the building at one time.



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

59 4. The nonresidential farm building provides at least 7
60 square feet per person in attendance if the building is not
61 concentrated with chairs, tables, or other obstacles, and 15
62 square feet per person in attendance if the building is
63 concentrated with chairs, tables, or other obstacles.

64 5. The storage of combustible or flammable liquids inside
65 the nonresidential farm building during each event is not
66 permitted.

67 (d) The local fire official may request to be notified of
68 an event that is subject to the conditions of paragraph (c).

69 (e) Notwithstanding any other provision of law, an
70 agricultural pole barn is exempt from the Florida Fire
71 Prevention Code, including the national fire codes and the Life
72 Safety Code incorporated by reference.

73 (f) The State Fire Marshal shall conduct a study on the
74 secondary use of nonresidential farm buildings as assembly
75 occupancies that exceed 100 persons in attendance and on the
76 development of a fire safety evaluation system for
77 nonresidential farm buildings used as assembly occupancies.

78 1. The State Fire Marshal shall convene a workgroup on or
79 before September 1, 2015, to assist with the study. The
80 workgroup must include a representative of the Florida
81 Agritourism Association, the Florida Farm Bureau, the Department
82 of Agriculture and Consumer Services, the Florida Fire Chiefs
83 Association, the Florida Professional Firefighters Association,
84 the Florida Fire Marshals and Inspectors Association, and the
85 Florida Volunteer Firefighters Association. The workgroup may



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86 include other interested parties.

87 2. If the study determines that the secondary use of
88 nonresidential farm buildings as described in this paragraph
89 requires alternative life safety or fire prevention standards
90 instead of those currently specified in the Florida Fire
91 Prevention Code, the State Fire Marshal shall in coordination
92 with the Department of Agriculture and Consumer Services adopt
93 the alternative standards by rule. Such rulemaking shall be
94 initiated on or before December 1, 2015.

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

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

100 633.208 Minimum firesafety standards.—

101 (5) With regard to existing buildings, the Legislature
102 recognizes that it is not always practical to apply any or all
103 of the provisions of the Florida Fire Prevention Code and that
104 physical limitations may require disproportionate effort or
105 expense with little increase in fire or life safety. Before
106 ~~Prior to~~ applying the minimum firesafety code to an existing
107 building, the local fire official shall determine that a threat
108 to lifesafety or property exists. If a threat to lifesafety or
109 property exists, the fire official shall apply the applicable
110 firesafety code for existing buildings to the extent practical
111 to assure a reasonable degree of lifesafety and safety of
112 property or the fire official shall fashion a reasonable
113 alternative that ~~which~~ affords an equivalent degree of
114 lifesafety and safety of property. The local fire official may



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115 consider the Fire Safety Evaluation System found in NFPA 101A,
116 Guide on Alternative Solutions to Life Safety, adopted by the
117 State Fire Marshal, as an acceptable source for the
118 identification of low-cost, reasonable alternatives. The
119 decision of the local fire official may be appealed to the local
120 administrative board described in s. 553.73.

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