

By Senator Stargel

15-00960A-15

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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, rather than specified structures located on  
5 agricultural property, from the Florida Fire  
6 Prevention Code under specified circumstances;  
7 requiring the State Fire Marshal to conduct a study  
8 addressing certain secondary uses of nonresidential  
9 farm buildings; requiring the State Fire Marshal to  
10 convene a workgroup by a specified date to assist with  
11 the study; requiring the State Fire Marshal to  
12 initiate rulemaking by a specified date if the study  
13 determines that certain life safety or fire prevention  
14 standards are required; revising the maximum  
15 measurements of a tent that is exempt from the Florida  
16 Fire Prevention Code; amending s. 633.208, F.S.;

17 authorizing a local fire official to consider a  
18 specified publication when identifying an alternative  
19 to a firesafety code; providing an effective date.

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

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

25 633.202 Florida Fire Prevention Code.—

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

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

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

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

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

47 1. The nonresidential farm building is used by the owner  
48 for assembly, business, or mercantile occupancies, as defined in  
49 the Florida Fire Prevention Code, no more than a total of 20  
50 times per year; and

51 2. Each occupancy under subparagraph 1. lasts no longer  
52 than 72 hours and has no more than 150 individuals in  
53 attendance.

54 (d) Notwithstanding any other provision of law, an  
55 agricultural pole barn is exempt from the Florida Fire  
56 Prevention Code, including the national codes and the Life  
57 Safety Code incorporated by reference.

58 (e) The State Fire Marshal shall conduct a study on the

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59 secondary use of nonresidential farm buildings as assembly  
60 occupancies that occur more than 20 times per year and as  
61 assembly occupancies with more than 150 individuals in  
62 attendance.

63 1. The State Fire Marshal shall convene a workgroup on or  
64 before September 1, 2015, to assist with the study. The  
65 workgroup must include a representative of the Florida  
66 Agritourism Association, the Florida Farm Bureau, the Department  
67 of Agriculture and Consumer Services, the Florida Fire Chiefs  
68 Association, the Florida Professional Firefighters Association,  
69 the Florida Fire Marshals and Inspectors Association, and the  
70 Florida Volunteer Firefighters Association. The workgroup may  
71 include other interested parties.

72 2. If the study determines that an assembly occupancy  
73 described under this paragraph requires life safety or fire  
74 prevention standards different from those currently specified in  
75 the Florida Fire Prevention Code, the State Fire Marshal shall  
76 adopt the alternative standards by rule. Such rulemaking must be  
77 initiated on or before December 1, 2015.

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

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

83 633.208 Minimum firesafety standards.—

84 (5) With regard to existing buildings, the Legislature  
85 recognizes that it is not always practical to apply any or all  
86 of the provisions of the Florida Fire Prevention Code and that  
87 physical limitations may require disproportionate effort or

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88 expense with little increase in fire or life safety. Before  
89 ~~Prior to~~ applying the minimum firesafety code to an existing  
90 building, the local fire official shall determine that a threat  
91 to lifesafety or property exists. If a threat to lifesafety or  
92 property exists, the fire official shall apply the applicable  
93 firesafety code for existing buildings to the extent practical  
94 to assure a reasonable degree of lifesafety and safety of  
95 property or the fire official shall fashion a reasonable  
96 alternative that ~~which~~ affords an equivalent degree of  
97 lifesafety and safety of property. The local fire official may  
98 consider the Fire Safety Evaluation System found in NFPA 101A,  
99 Guide on Alternative Solutions to Life Safety, adopted by the  
100 State Fire Marshal, as an acceptable source for the  
101 identification of low-cost, reasonable alternatives. The  
102 decision of the local fire official may be appealed to the local  
103 administrative board described in s. 553.73.

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