

By the Committee on Appropriations; and Senator Stargel

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20151148c1

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; revising
15 the maximum measurements of a tent that is exempt from
16 the Florida Fire Prevention Code; amending s. 633.208,
17 F.S.; 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.

576-04258-15

20151148c1

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 all of the following
47 conditions are met:

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

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

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

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

576-04258-15

20151148c1

59 square feet per person in attendance if the building is
60 concentrated with chairs, tables, or other obstacles.

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

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

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

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

83 2. If the study determines that the secondary use of
84 nonresidential farm buildings as described in this paragraph
85 requires alternative life safety or fire prevention standards
86 instead of those currently specified in the Florida Fire
87 Prevention Code, the State Fire Marshal shall in coordination

576-04258-15

20151148c1

88 with the Department of Agriculture and Consumer Services adopt
89 the alternative standards by rule. Such rulemaking shall be
90 initiated on or before 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 that a threat
104 to lifesafety or property exists. If a threat to lifesafety or
105 property exists, the fire official shall apply the applicable
106 firesafety code for existing buildings to the extent practical
107 to assure a reasonable degree of lifesafety and safety of
108 property or the fire official shall fashion a reasonable
109 alternative that ~~which~~ affords an equivalent degree of
110 lifesafety and safety of property. The local fire official may
111 consider the Fire Safety Evaluation System found in NFPA 101A,
112 Guide on Alternative Solutions to Life Safety, adopted by the
113 State Fire Marshal, as an acceptable source 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.

576-04258-15

20151148c1

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