

1 A bill to be entitled
 2 An act relating to fire safety; amending s. 633.202,
 3 F.S.; defining terms; exempting nonresidential farm
 4 buildings and agricultural pole barns from the Florida
 5 Fire Prevention Code under specified circumstances;
 6 providing that a structure used for agritourism
 7 activity is subject to an annual inspection for
 8 classification; providing classifications; directing
 9 the State Fire Marshal to adopt rules administering
 10 the section; amending s. 633.208, F.S.; authorizing a
 11 local fire official to consider a specified
 12 publication when identifying an alternative to a
 13 firesafety code; providing an effective date.

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

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

19 633.202 Florida Fire Prevention Code.—

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

21 1. "Agricultural pole barn" means a nonresidential farm
 22 building in which 70 percent or more of the perimeter walls are
 23 permanently open and allow free ingress and egress.

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

26 (b) A nonresidential farm building ~~structure, located on~~

27 ~~property that is classified for ad valorem purposes as~~
28 ~~agricultural, which is part of a farming or ranching operation,~~
29 in which the occupancy is limited by the property owner to no
30 more than 35 persons, ~~and which is not used by the public for~~
31 ~~direct sales or as an educational outreach facility,~~ is exempt
32 from the Florida Fire Prevention Code, including the national
33 codes and Life Safety Code incorporated by reference. ~~This~~
34 ~~paragraph does not include structures used for residential or~~
35 ~~assembly occupancies, as defined in the Florida Fire Prevention~~
36 ~~Code.~~

37 (c) Notwithstanding any other provision of law, an
38 agricultural pole barn is exempt from the Florida Fire
39 Prevention Code, including the national codes and the Life
40 Safety Code incorporated by reference.

41 (d) Notwithstanding any other provision of law, a
42 structure used by an owner for agritourism activity as defined
43 in s. 570.86 is subject to an annual inspection for
44 classification by the local authority having jurisdiction. A
45 structure used for agritourism activity must be classified in
46 one of three classes:

47 1. Class 1: A nonresidential farm building used by the
48 owner 12 times per year or fewer for agritourism activity with
49 up to 100 persons occupying the structure at one time.

50 2. Class 2: A nonresidential farm building used by the
51 owner for agritourism activity with up to 300 persons occupying
52 the structure at one time.

53 3. Class 3: A new or an additional structure or facility
 54 constructed or an existing structure used for the primary use of
 55 housing, sheltering, or otherwise accommodating members of the
 56 general public. This class is subject to the Florida Fire
 57 Prevention Code.

58 (e) The State Fire Marshal shall adopt rules to administer
 59 this section, including, but not limited to:

60 1. The use of alternative lifesafety and fire prevention
 61 standards for structures in Classes 1 and 2;

62 2. Notification and inspection requirements for structures
 63 in Classes 1 and 2;

64 3. The application of the Florida Fire Prevention Code for
 65 Class 3 structures; and

66 4. Any other standards or rules deemed necessary in order
 67 to facilitate the use of structures for agritourism activities.

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

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

73 633.208 Minimum firesafety standards.—

74 (5) With regard to existing buildings, the Legislature
 75 recognizes that it is not always practical to apply any or all
 76 of the provisions of the Florida Fire Prevention Code and that
 77 physical limitations may require disproportionate effort or
 78 expense with little increase in fire or life safety. Before

HB 431

2016

79 ~~Prior to~~ applying the minimum firesafety code to an existing
80 building, the local fire official shall determine whether ~~that~~ a
81 threat to lifesafety or property exists. If a threat to
82 lifesafety or property exists, the fire official shall apply the
83 applicable firesafety code for existing buildings to the extent
84 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
85 safety of property or the fire official shall fashion a
86 reasonable alternative that ~~which~~ affords an equivalent degree
87 of lifesafety and safety of property. The local fire official
88 may consider the fire safety evaluation systems in NFPA 101A:
89 Guide on Alternative Approaches to Life Safety, adopted by the
90 State Fire Marshal, as acceptable systems for the identification
91 of low-cost, reasonable alternatives. The decision of the local
92 fire official may be appealed to the local administrative board
93 described in s. 553.73.

94 Section 3. This act shall take effect July 1, 2016.