

1 A bill to be entitled
 2 An act relating to fire safety; amending s. 633.202,
 3 F.S.; providing definitions; revising provisions
 4 relating to certain structures located on agricultural
 5 property which are exempt from the Florida Fire
 6 Prevention Code; requiring that certain structures
 7 used for agritourism activity be classified; providing
 8 criteria for such classifications; providing that
 9 certain structures are subject to annual inspection;
 10 specifying applicable fire prevention standards;
 11 requiring the State Fire Marshal to adopt rules;
 12 revising certain dimensions of a tent that is exempt
 13 from the code; requiring that the State Fire Marshal
 14 adopt rules; amending s. 633.208, F.S.; authorizing a
 15 local fire official to consider a specified
 16 publication when identifying an alternative to a
 17 firesafety code; providing an effective date.

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

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

23 633.202 Florida Fire Prevention Code.—

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

25 1. "Agricultural pole barn" means a nonresidential farm
 26 building in which 70 percent or more of the perimeter walls are

27 permanently open and allow free ingress and egress.

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

30 (b) Notwithstanding any other provision of law:

31 1. A nonresidential farm building ~~A 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 2. An agricultural pole barn is exempt from the Florida
43 Fire Prevention Code, including the national codes and the Life
44 Safety Code incorporated by reference.

45 3. Except for an agricultural pole barn, a structure on a
46 farm, as defined in s. 823.14(3)(a), which is used by an owner
47 for agritourism activity, as defined in s. 570.86, for which the
48 owner receives consideration must be classified in one of the
49 following classes:

50 a. Class 1: A nonresidential farm building that is used by
51 the owner 12 or fewer times per year for agritourism activity
52 with up to 100 persons occupying the structure at one time. A

53 structure in this class is subject to annual inspection for
54 classification by the local authority having jurisdiction. This
55 class is not subject to the Florida Fire Prevention Code but is
56 subject to rules adopted by the State Fire Marshal pursuant to
57 this section.

58 b. Class 2: A nonresidential farm building that is used by
59 the owner for agritourism activity with up to 300 persons
60 occupying the structure at one time. A structure in this class
61 is subject to annual inspection for classification by the local
62 authority having jurisdiction. This class is not subject to the
63 Florida Fire Prevention Code but is subject to rules adopted by
64 the State Fire Marshal pursuant to this section.

65 c. Class 3: A structure or facility that is used primarily
66 for housing, sheltering, or otherwise accommodating members of
67 the general public. A structure or facility in this class is
68 subject to annual inspection for classification by the local
69 authority having jurisdiction. This class is subject to the
70 Florida Fire Prevention Code.

71 (c) The State Fire Marshal shall adopt rules to administer
72 this section, including, but not limited to:

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

75 2. Notification and inspection requirements for structures
76 in Classes 1 and 2;

77 3. The application of the Florida Fire Prevention Code for
78 structures in Class 3; and

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

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

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

86 633.208 Minimum firesafety standards.—

87 (5) With regard to existing buildings, the Legislature
 88 recognizes that it is not always practical to apply any or all
 89 of the provisions of the Florida Fire Prevention Code and that
 90 physical limitations may require disproportionate effort or
 91 expense with little increase in fire or life safety. Before
 92 ~~Prior to~~ applying the minimum firesafety code to an existing
 93 building, the local fire official shall determine whether ~~that~~ a
 94 threat to lifesafety or property exists. If a threat to
 95 lifesafety or property exists, the fire official shall apply the
 96 applicable firesafety code for existing buildings to the extent
 97 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
 98 safety of property or the fire official shall fashion a
 99 reasonable alternative that ~~which~~ affords an equivalent degree
 100 of lifesafety and safety of property. The local fire official
 101 may consider the fire safety evaluation systems found in NFPA
 102 101A: Guide on Alternative Approaches to Life Safety, adopted by
 103 the State Fire Marshal, as acceptable systems for the
 104 identification of low-cost, reasonable alternatives. The

CS/CS/HB 431

2016

105 | decision of the local fire official may be appealed to the local
106 | administrative board described in s. 553.73.

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