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CS/CS/HB 431

2016 Legislature

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 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.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 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

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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

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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

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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

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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.