



811910

576-02402-16

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to firesafety; amending s. 633.202, F.S.; defining terms; revising provisions relating to certain structures located on agricultural property which are exempt from the Florida Fire Prevention Code; requiring that certain structures used for agritourism activity be classified; requiring that certain structures be classified; providing criteria for such classifications; providing that such classifications are subject to annual inspection; specifying applicable fire prevention standards for each class; requiring that the State Fire Marshal adopt rules; providing requirements for revising certain dimensions of a tent that is exempt from the code; amending s. 633.208, F.S.; authorizing a local fire official to consider a specified publication when identifying an alternative to a firesafety code; providing an effective date.

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

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

633.202 Florida Fire Prevention Code.—

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

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



811910

576-02402-16

28 permanently open and allow free ingress and egress.

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

31 (b) Notwithstanding any other provision of law:

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

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

50 a. Class 1: A nonresidential farm building that is used by  
51 the owner 12 times per year or fewer 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



811910

576-02402-16

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:



811910

576-02402-16

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  
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.