

By the Committee on Banking and Insurance; and Senator Stargel

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

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

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

22 633.202 Florida Fire Prevention Code.—

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

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

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

29 (b) Notwithstanding any other provision of law, a
30 nonresidential farm building ~~A structure, located on property~~
31 ~~that is classified for ad valorem purposes as agricultural,~~
32 ~~which is part of a farming or ranching operation,~~ in which the

597-02018-16

2016822c1

33 occupancy is limited by the property owner to no more than 35
34 persons, ~~and which is not used by the public for direct sales or~~
35 ~~as an educational outreach facility,~~ is exempt from the Florida
36 Fire Prevention Code, including the national codes and Life
37 Safety Code incorporated by reference. ~~This paragraph does not~~
38 ~~include structures used for residential or assembly occupancies,~~
39 ~~as defined in the Florida Fire Prevention Code.~~

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

44 (d) Notwithstanding any other provision of law, and except
45 for an agricultural pole barn, a structure on a farm as defined
46 in s. 823.14(3) (a) which is used by an owner for assembly,
47 business, or mercantile activity must be classified in one of
48 the following classes:

49 1. Class 1: A nonresidential farm building that is used by
50 the owner 12 times per year or fewer for assembly, business, or
51 mercantile activity with up to 100 persons occupying the
52 structure at one time. This class is not subject to the Florida
53 Fire Prevention Code.

54 2. Class 2: A nonresidential farm building that is used by
55 the owner for assembly, business, or mercantile activity with up
56 to 300 persons occupying the structure at one time. A structure
57 in this class is subject to annual inspection for classification
58 by the local authority having jurisdiction. This class is not
59 subject to the Florida Fire Prevention Code.

60 33. Class 3: A structure or facility that is used primarily
61 for housing, sheltering, or otherwise accommodating members of

597-02018-16

2016822c1

62 the general public. A structure or facility in this class is
63 subject to annual inspection for classification by the local
64 authority having jurisdiction. This class is subject to the
65 Florida Fire Prevention Code.

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

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

70 2. Notification and inspection requirements for structures
71 in Class 2;

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

74 4. Any other standards or rules deemed necessary in order
75 to facilitate the use of structures for assembly, business, or
76 mercantile activities.

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

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

82 633.208 Minimum firesafety standards.-

83 (5) With regard to existing buildings, the Legislature
84 recognizes that it is not always practical to apply any or all
85 of the provisions of the Florida Fire Prevention Code and that
86 physical limitations may require disproportionate effort or
87 expense with little increase in fire or life safety. Before
88 Prior to applying the minimum firesafety code to an existing
89 building, the local fire official shall determine whether ~~that~~ a
90 threat to lifesafety or property exists. If a threat to

597-02018-16

2016822c1

91 lifesafety or property exists, the fire official shall apply the
92 applicable firesafety code for existing buildings to the extent
93 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
94 safety of property or the fire official shall fashion a
95 reasonable alternative that ~~which~~ affords an equivalent degree
96 of lifesafety and safety of property. The local fire official
97 may consider the fire safety evaluation systems found in NFPA
98 101A: Guide on Alternative Approaches to Life Safety, adopted by
99 the State Fire Marshal, as acceptable systems for the
100 identification of low-cost, reasonable alternatives. The
101 decision of the local fire official may be appealed to the local
102 administrative board described in s. 553.73.

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