

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 833](#)

TITLE: Private School Facilities

SPONSOR(S): Cassel

COMPANION BILL: [SB 1264](#) (Calatayud)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education Administration](#)

13 Y, 3 N, As CS



[Education & Employment](#)

15 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill provides that a private school enrolling 150 or fewer students may operate in commercial or mixed-use zoning districts within a county or municipality without rezoning or obtaining a special exception or land use change. The private school would not be required to comply with any additional mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies. Additionally, the bill authorizes such a private school to operate in a facility that is an existing assembly, day care, mercantile, or business occupancy, as defined in the Florida Fire Prevention Code (Fire Code). However, such facility must satisfy the standards for an existing educational occupancy under the Fire Code. For facilities used by private schools under this authorization, the fire safety evaluation system for educational occupancies provided for in the National Fire Protection Associations 101A: Guide on Alternative Approaches to Life Safety, when completed by a registered and licensed design professional with a determination of achieving an “at least equivalent” conclusion, must be considered evidence of compliance with the Fire Code.

Fiscal or Economic Impact:

The bill has an indeterminant positive fiscal impact on the private sector. *See* Fiscal or Economic Impact: Private Sector.

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ANALYSIS

EFFECT OF THE BILL:

The bill provides that a private school enrolling 150 or fewer students must be considered a permitted use in a commercial or mixed-use [zoning district](#) within a county or municipality without rezoning or obtaining a special exception or a land use change. Additionally, the private school may not be required to comply with any additional mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies. (Section [1](#)).

The bill authorizes a private school enrolling 150 or fewer students to operate in a facility that is an existing assembly, day care, mercantile, or business occupancy, as defined in the [Florida Fire Prevention Code](#) (Fire Code). A private school operating in such a facility must meet the standards for existing educational occupancy requirements under the Fire Code. For facilities used by private schools under this authorization, completion of the fire safety evaluation system for educational occupancies in National Fire Protection Associations (NFPA) 101A: Guide on Alternative Approaches to Life Safety, as adopted by the State Fire Marshal, by a registered and licensed design professional, with a determination of achieving at least a minimum of “at least equivalent” conclusion must be considered evidence of compliance with the Fire Code. The bill authorizes the State Fire Marshall to adopt rules to implement this flexibility for such private schools. (Section [1](#)).

The effective date of the bill is July 1, 2026. (Section [2](#)).

STORAGE NAME: h0833a.EEC

DATE: 2/24/2026

RULEMAKING:

The bill authorizes the State Fire Marshall to adopt rules to implement the provisions relating to the use of the NFPA 101A by such private schools.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:**PRIVATE SECTOR:**

The bill has an indeterminate positive fiscal impact on the private sector by authorizing the use of specified facilities by private schools without requiring the time or expense necessary to secure a rezoning or obtaining a special exception or a land use change. Additionally, the bill may significantly reduce renovation expenses for private schools through the use of the NFPA 101A equivalency methodology when evaluating facilities for compliance with the Fire Code.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Comprehensive Planning**

The Community Planning Act¹ provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.² Each county and municipality must maintain a comprehensive plan to guide future development and growth.³

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁴ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.⁵

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.⁶ A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.⁷ Local governments may also include optional elements in their comprehensive plan.⁸ The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.

¹ [Ch. 163, Part II, F.S.](#)

² Section [163.3167\(1\), F.S.](#)

³ Section [163.3167\(2\), F.S.](#)

⁴ Section [163.3194\(1\)\(a\), F.S.](#)

⁵ See, e.g., [Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1](#) (last visited Feb. 24, 2026).

⁶ Section [163.3177\(1\), F.S.](#)

⁷ Section [163.3177\(6\), F.S.](#)

⁸ Section [163.3177\(1\)\(a\), F.S.](#)

- Intergovernmental coordination.
- Property rights.⁹

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.¹⁰ Additional planning periods are permissible and accepted as part of the planning process.

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. Comprehensive plan amendments are generally governed by the state expedited review process, which typically begins with an initial public hearing during which the local government's governing body decides whether to transmit the proposed amendment to the reviewing agencies.¹¹ The local government's decision must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.¹² Within 10 working days of such hearing, the local government must transmit the plan amendment and appropriate supporting data and analyses to the reviewing agencies for expedited comment¹³ and to any other local government or governmental agency that filed a written request for such transmittal with the local government.¹⁴ Interested persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.¹⁵

Within 180 days after receipt of any agency comments, the local government must generally hold a second public hearing to determine whether to adopt the plan amendment.¹⁶ Where the proposed amendment is a small-scale development amendment,¹⁷ however, the local government must hold only the public adoption hearing; the initial public hearing is not required.¹⁸ In either case, plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be withdrawn unless the timeframe is extended by agreement with specified notice to the Department of Commerce (Department), and other parties.¹⁹

Within 10 working days of the adoption hearing, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.²⁰ The Department must

⁹ Section [163.3177\(3\). \(6\)\(a\)-\(i\), F.S.](#)

¹⁰ Section [163.3177\(5\)\(a\), F.S.](#)

¹¹ Section [163.3184\(1\)\(c\), F.S.](#), provides that "reviewing agencies" are the state land planning agency (Department of Commerce), the appropriate regional planning council, the appropriate water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, the Department of Education (for plan amendments relating to public schools), the commanding officer of an affected military installation, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (for county plans and plan amendments), and, for municipal plans and plan amendments, the county in which the municipality is located. Amendments that do not use the state expedited review process include plan amendments that are in an area of critical state concern; propose a rural land stewardship area; propose a sector plan or an amendment to an adopted sector plan; or update a comprehensive plan based on an evaluation and appraisal, which use the state coordinated review process and small-scale development amendments that involve the use of 50 acres or fewer, only proposes a land use change to the future land use map for a site-specific small-scale development activity, and only applies to property not located within an area of critical state concern, absent an exception related to affordable housing development. Sections [163.3184\(2\)\(b\)-\(c\), \(4\)](#) and [163.3187, F.S.](#)

¹² [S. 163.3184\(11\), F.S.](#)

¹³ The expedited review process is set out in s. [163.3184\(3\), F.S.](#)

¹⁴ Section [163.3184\(3\), F.S.](#)

¹⁵ *Id.*

¹⁶ Section [163.3184\(3\)\(c\)1., F.S.](#) Plan amendments under the expedited state review process must be adopted within 180 days of the second public hearing held to consider the amendments.

¹⁷ Small-scale comprehensive plan amendments are generally not reviewed by the Department. *See ss.* [163.3184\(2\)\(b\)](#) and [163.3187, F.S.](#)

¹⁸ Sections [163.3184\(2\)](#) and [163.3187\(2\), F.S.](#)

¹⁹ Section [163.3184\(3\), \(4\), and \(11\), F.S.](#)

²⁰ *Id.*

review the amendment package for any deficiencies and send notice of such deficiencies to the local government within five working days of receipt of the amendment package.²¹ If no deficiencies are found, the amendment takes effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale development amendments, or pursuant to the Department’s notice of intent determining the amendment is in compliance for the state coordinated review process.²²

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.²³

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.²⁴ Local governments are encouraged to use innovative land development regulations²⁵ and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.²⁶

Zoning

A comprehensive plan’s future land use element establishes a range of allowable uses and densities²⁷ and intensities²⁸ over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.²⁹

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.³⁰ Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.³¹ Rezoning applications are initially reviewed by local government staff, then by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.³² If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback

²¹ Section [163.3184\(3\)\(c\)3. and \(4\)\(e\)3., F.S.](#)

²² Sections [163.3184\(3\)\(c\)4.](#), [163.3184\(4\)\(e\)4.-5.](#), and [163.3187\(5\)\(c\). F.S.](#)

²³ Section [163.3164\(26\). F.S.](#)

²⁴ Section [163.3202\(1\). F.S.](#)

²⁵ Section [163.3202\(3\). F.S.](#)

²⁶ Sections [125.01055](#) and [166.04151. F.S.](#)

²⁷ “Density” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. Section [163.3164\(12\). F.S.](#)

²⁸ “Intensity” means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Section [163.3164\(22\). F.S.](#)

²⁹ Richard Grosso, *A Guide to Development Order “Consistency” Challenges Under Florida Statutes Section 163.3215*, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cnty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

³⁰ See, e.g., Indian River County, [Planning and Development Services FAQ](#) (last visited Feb. 24, 2026).

³¹ See e.g., City of Tallahassee, [Application for Rezoning Review](#) (last visited Feb. 24, 2026).

³² See *id.* and City of Redington Shores, [Planning and Zoning Board](#) (last visited Feb. 24, 2026).

through an application for a variance.³³ However, any action to rezone or grant a variance must be consistent with the local government’s comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.³⁴

Florida Building Code

The Florida Building Code provides a mechanism for adopting, updating, amending, interpreting, and enforcing a unified state building code from jurisdiction to jurisdiction.³⁵ The Florida Building Code contains or incorporates by reference all laws and rules, and enforces such laws and rules, which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.³⁶ The Florida Building Code is updated at least every 3 years, and the current edition of the Florida Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³⁷

The Florida Building Code provides that the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade falls under the Group E occupancy classification.³⁸ For Group E structures, the Florida Building Code requires automatic sprinkler systems as follows:

- Throughout all Group E fire areas greater than 12,000 square feet in area.
- Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.³⁹

Existing Group E buildings are not required to include automatic sprinkler systems unless 50 percent of the aggregate area of the building is being remodeled.⁴⁰

Florida Fire Prevention Code

Chapter 633, F.S., is Florida’s fire prevention and control law, and it designates the state’s Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety.⁴¹ Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors. The State Fire Marshal also adopts by rule the Fire Code, which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.⁴²

³³ See e.g., City of Tallahassee, [Variance and Appeals](#) and Seminole County, [Variance Process Requirements](#) (last visited Feb. 24, 2026).

³⁴ See ss. [125.66\(5\)](#) and [166.041\(3\)](#), F.S.

³⁵ Section [553.72\(1\)](#), F.S.

³⁶ Section [553.73\(1\)\(a\)](#), F.S.

³⁷ Section [553.73\(7\)\(a\)](#), F.S.; DBPR, *Florida Building Code*, https://floridabuilding.org/bc/bc_default.aspx (last visited Feb. 24, 2026).

³⁸ [Section 305.1 of the Eighth edition of the Florida Building Code.](#)

³⁹ [Section 903.2.3 of the Eighth edition of the Florida Building Code.](#)

⁴⁰ *Id.*

⁴¹ Section [633.104](#), F.S.

⁴² Section [633.202](#), F.S.

Included in the Fire Code is the NFPA Life Safety Code (NFPA 101) and NFPA Guide to Alternative Approaches to Life Safety (NFPA 101A).⁴³ The NFPA 101A provides a methodology for comparing the level of safety provided by an arrangement of safeguards that differ from those specified in the NFPA 101 to the level of safety provided in a building that conforms exactly with the NFPA 101. The NFPS 101A is intended to be used alongside NFPA 101 to facilitate equivalency requests using numerically based fire safety evaluation systems.⁴⁴

With regard to existing buildings, the Legislature has recognized that it is not always practical to apply any or all of the provisions of the Fire Code and that physical limitations may require disproportionate effort or expense with little increase in fire or life safety. Therefore, before applying the minimum firesafety code to an existing building, the local fire official must determine whether a threat to lifesafety or property exists. If a threat to lifesafety or property exists, the fire official must apply the applicable firesafety code for existing buildings to the extent practical to ensure a reasonable degree of lifesafety and safety of property or shall fashion a reasonable alternative that affords an equivalent degree of lifesafety and safety of property. The local fire official may consider the fire safety evaluation systems found in NFPA 101A as acceptable systems for the identification of low-cost, reasonable alternatives. The decision of the local fire official may be appealed to the local administrative board.⁴⁵

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements, but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.⁴⁶ The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.⁴⁷ Each county, municipality, and special district with fire safety enforcement responsibilities is also required to employ or contract with a fire safety inspector who is certified by the State Fire Marshal to conduct all fire safety inspections required by law.⁴⁸

Local Amendments to the Florida Fire Prevention Code

Counties, municipalities, and special districts may adopt more stringent safety standards by:⁴⁹

- Holding a public meeting that has been advertised in a newspaper of general circulation at least 10 days before the hearing;
- Deciding after the meeting that there is a need to strengthen the Fire Code.
 - The determination must be based upon a review of the local conditions by the local governing body, which demonstrates that local conditions require the more stringent standards.
- Providing a procedure allowing substantially affected parties to challenge the validity of such standards.
 - A challenging party is entitled to a hearing within 45 days and has the burden of proof.
- Sending the amendment to the State Fire Marshal and the Florida Building Commission within 30 days of adopting the amendment.

Florida Schools and the Florida Fire Prevention Code

The State Board of Education must adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of State Requirements for Educational Facilities or the Florida Building Code for educational facilities construction, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform firesafety standards for educational and ancillary plants and

⁴³ Rule 69A-3.012(1)(ggg) and (hhh), F.A.C.

⁴⁴ National Fire Protection Association, *NFPA 101A, Guide on Alternative Approaches to Life Safety (2025)*, <https://www.nfpa.org/product/nfpa-101a-guide/p0101acode> (last visited Feb. 24, 2026).

⁴⁵ Section [633.208\(5\), F.S.](#)

⁴⁶ Sections [633.108](#), [633.208](#), and [633.214, F.S.](#)

⁴⁷ Section [633.118, F.S.](#)

⁴⁸ Section [633.216\(1\), F.S.](#)

⁴⁹ Sections [633.202](#), and [633.208, F.S.](#)

educational facilities and a firesafety evaluation system to be used as an alternate firesafety inspection standard for existing educational and ancillary plants and educational facilities.⁵⁰

The uniform firesafety standards and the alternate firesafety evaluation system shall be administered and enforced by fire officials certified by the State Fire Marshal. These standards must be used by all public agencies when inspecting public educational and ancillary plants, and the firesafety standards must be used by county, municipal, or independent special fire control district inspectors when performing firesafety inspections of public educational and ancillary plants and educational facilities. In accordance with such standards, each district school board must prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed in law and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.⁵¹

In addition to schools operated by Florida's public school districts, current law requires that charter school facilities comply with the Florida Fire Prevention Code as adopted by the authority in whose jurisdiction the facility is located.⁵² Similarly, private schools participating in state scholarship programs are required to comply with state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.⁵³

Finally, current law authorizes private schools⁵⁴ to use property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, church facility, FCS institution or university, or other similar public institutional facilities, or a facility recently used to house a school or childcare facility under the facilities preexisting zoning and land use designations. There are similar provisions regarding the purchase of the same types of facilities by private schools. The facilities used or purchased must meet state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.⁵⁵

⁵⁰ Section [1013.12\(1\), F.S.](#) See ch. 69A-58, F.A.C.

⁵¹ Section [1013.12\(1\), F.S.](#)

⁵² Section [1002.33\(18\)\(b\), F.S.](#)

⁵³ Section [1002.421\(1\)\(g\), F.S.](#)

⁵⁴ Defined as an individual, association, copartnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade and is below the college level. See s. [1002.01\(3\), F.S.](#)

⁵⁵ Section [1002.42\(19\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education Administration Subcommittee	13 Y, 3 N, As CS	2/5/2026	Sleap	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Narrowed land use exemptions for specified private schools to commercial and mixed-use zoning districts. • Removed exemptions to the Florida Building Code and Fire Code for specified private schools. 			
Education & Employment Committee	15 Y, 0 N, As CS	2/24/2026	Hassell	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Revised provisions related to specified private schools and the use of the NFPA 101A. • Authorized State Fire Marshall to adopt rules to implement the provisions relating to the use of the NFPA 101A by such private schools. 			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
