

1                   A bill to be entitled  
2       An act relating to firesafety; amending s. 633.01, F.S.;  
3       revising the rulemaking authority and responsibilities of  
4       the State Fire Marshal relating to educational and  
5       ancillary plants; amending s. 633.021, F.S.; revising the  
6       definition of the term "firesafety inspector"; amending s.  
7       633.081, F.S.; revising requirements and procedures for  
8       inspections of buildings and equipment; abolishing special  
9       state firesafety inspector classifications and  
10      certifications; providing criteria, procedures, and  
11      requirements for special state firesafety inspectors to be  
12      certified as firesafety inspectors; amending s. 1013.12,  
13      F.S.; revising procedures and requirements for certain  
14      standards and inspection of educational property;  
15      providing procedures, criteria, and requirements for  
16      inspections of charter schools; providing reporting  
17      requirements; revising requirements for inspections of  
18      public postsecondary education facilities; deleting a  
19      provision requiring that the State Fire Marshal publish an  
20      annual report; amending s. 1013.371, F.S.; revising  
21      firesafety inspection requirements for educational  
22      institution boards to conform to certain codes; revising  
23      certain code enforcement authority of such boards;  
24      amending s. 1013.38, F.S.; requiring educational  
25      institution boards to submit certain facility site plans  
26      to certain local governmental entities for review;  
27      authorizing such entities to review site plans for  
28      compliance with certain provisions of the Florida Fire

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Prevention Code; specifying that site plans are not subject to local ordinances or local amendments to the Florida Fire Prevention Code; providing criteria for approving site plans and correcting firesafety compliance deficiencies; providing for referral of disputes to the State Fire Marshal; authorizing such boards to use certain firesafety inspectors for certain compliance reviews; imposing additional requirements for such boards relating to construction, renovation, or remodeling of educational facilities; providing an effective date.

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

Section 1. Subsection (7) of section 633.01, Florida Statutes, is amended to read:

633.01 State Fire Marshal; powers and duties; rules.—

(7) The State Fire Marshal, in consultation with the Department of Education, shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary facilities pursuant to ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any county that does not employ or appoint a firesafety inspector certified under s. 633.081 ~~local fire official~~, the State Fire Marshal shall assume the duties of the local county, municipality, or independent special fire control district as defined in s. 191.003 ~~fire official~~ with respect to firesafety inspections of educational property required under s. 1013.12(3)(b), and the State Fire Marshal may take necessary corrective action as

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57 authorized under s. 1013.12 (7) ~~(6)~~.

58 Section 2. Subsection (11) of section 633.021, Florida  
59 Statutes, is amended to read:

60 633.021 Definitions.—As used in this chapter:

61 (11) A "firesafety inspector" is an individual certified  
62 by the State Fire Marshal under s. 633.081 who is officially  
63 assigned the duties of conducting firesafety inspections of  
64 buildings and facilities on a recurring or regular basis ~~on~~  
65 ~~behalf of the state or any county, municipality, or special~~  
66 ~~district with firesafety responsibilities.~~

67 Section 3. Section 633.081, Florida Statutes, is amended  
68 to read:

69 633.081 Inspection of buildings and equipment; orders;  
70 firesafety inspection training requirements; certification;  
71 disciplinary action.—The State Fire Marshal and her or his  
72 agents shall, at any reasonable hour, when the State Fire  
73 Marshal has reasonable cause to believe that a violation of this  
74 chapter or s. 509.215, or a rule promulgated thereunder, or a  
75 minimum firesafety code adopted by the State Fire Marshal or a  
76 local authority, may exist, inspect any and all buildings and  
77 structures which are subject to the requirements of this chapter  
78 or s. 509.215 and rules promulgated thereunder. The authority to  
79 inspect shall extend to all equipment, vehicles, and chemicals  
80 which are located on or within the premises of any such building  
81 or structure.

82 (1) Each county, municipality, and special district that  
83 has firesafety enforcement responsibilities shall employ or  
84 contract with a firesafety inspector. Except as provided in s.

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633.082(2), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Except as provided in s. 633.082(2), every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall:

(a) Be a high school graduate or the equivalent as determined by the department;

(b) Not have been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States, or of any state thereof, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(c) Have her or his fingerprints on file with the department or with an agency designated by the department;

(d) Have good moral character as determined by the department;

(e) Be at least 18 years of age;

(f) Have satisfactorily completed the firesafety inspector

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certification examination as prescribed by the department; and

(g)1. Have satisfactorily completed, as determined by the department, a firesafety inspector training program of not less than 200 hours established by the department and administered by agencies and institutions approved by the department for the purpose of providing basic certification training for firesafety inspectors; or

2. Have received in another state training which is determined by the department to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3)(a)1. Effective July 1, 2013, the classification of special state firesafety inspector is abolished and all special state firesafety inspector certifications shall expire at midnight June 30, 2013.

2. Any person who is a special state firesafety inspector on June 30, 2013, and who has failed to comply with paragraph (b) or paragraph (c) may not perform any firesafety inspection required by law.

3. A special state firesafety inspector certificate may not be issued after June 30, 2011.

(b)1. Any person who is a special state firesafety inspector on July 1, 2011, and who has at least 5 years of experience as a special state firesafety inspector as of July 1, 2011, may take the firesafety inspection examination as provided in paragraph (2)(f) for firesafety inspectors before July 1, 2013, to be certified as a firesafety inspector under this section.

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141       2. Upon passing the examination, the person shall be  
142 certified as a firesafety inspector as provided in this section.

143       3. A person who fails to become certified must comply with  
144 paragraph (c) to be certified as a firesafety inspector under  
145 this section.

146       (c)1. To be certified as a firesafety inspector under this  
147 section, any person who:

148       a. Is a special state firesafety inspector on July 1,  
149 2011, and who does not have 5 years of experience as a special  
150 state firesafety inspector as of July 1, 2011; or

151       b. Has 5 years of experience as a special state firesafety  
152 inspector but has failed the examination taken as provided in  
153 paragraph (2)(f),

154  
155 must take an additional 80 hours of the courses described in  
156 paragraph (2)(g).

157       2. After successfully completing the courses described in  
158 this paragraph, such person may take the firesafety inspection  
159 examination as provided in paragraph (2)(f), if such examination  
160 is taken before July 1, 2013.

161       3. Upon passing the examination, the person shall be  
162 certified as a firesafety inspector as provided in this section.

163       4. A person who fails the course of study or the  
164 examination described in this paragraph may not perform any  
165 firesafety inspection required by law on or after July 1, 2013.  
166 ~~Each special state firesafety inspection which is required by~~  
167 ~~law and is conducted by or on behalf of an agency of the state~~  
168 ~~must be performed by an individual who has met the provision of~~

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169 ~~subsection (2), except that the duration of the training program~~  
170 ~~shall not exceed 120 hours of specific training for the type of~~  
171 ~~property that such special state firesafety inspectors are~~  
172 ~~assigned to inspect.~~

173 (4) A firefighter certified pursuant to s. 633.35 may  
174 conduct firesafety inspections, under the supervision of a  
175 certified firesafety inspector, while on duty as a member of a  
176 fire department company conducting inservice firesafety  
177 inspections without being certified as a firesafety inspector,  
178 if such firefighter has satisfactorily completed an inservice  
179 fire department company inspector training program of at least  
180 24 hours' duration as provided by rule of the department.

181 (5) Every firesafety inspector ~~or special state firesafety~~  
182 ~~inspector~~ certificate is valid for a period of 3 years from the  
183 date of issuance. Renewal of certification is ~~shall be~~ subject  
184 to the affected person's completing proper application for  
185 renewal and meeting all of the requirements for renewal as  
186 established under this chapter or by rule adopted under this  
187 chapter ~~promulgated thereunder~~, which shall include completion  
188 of at least 40 hours during the preceding 3-year period of  
189 continuing education as required by the rule of the department  
190 or, in lieu thereof, successful passage of an examination as  
191 established by the department.

192 (6) The State Fire Marshal may deny, refuse to renew,  
193 suspend, or revoke the certificate of a firesafety inspector ~~or~~  
194 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~  
195 finds that any of the following grounds exist:

196 (a) Any cause for which issuance of a certificate could

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197 have been refused had it then existed and been known to the  
198 State Fire Marshal.

199 (b) Violation of this chapter or any rule or order of the  
200 State Fire Marshal.

201 (c) Falsification of records relating to the certificate.

202 (d) Having been found guilty of or having pleaded guilty  
203 or nolo contendere to a felony, whether or not a judgment of  
204 conviction has been entered.

205 (e) Failure to meet any of the renewal requirements.

206 (f) Having been convicted of a crime in any jurisdiction  
207 which directly relates to the practice of fire code inspection,  
208 plan review, or administration.

209 (g) Making or filing a report or record that the  
210 certificateholder knows to be false, or knowingly inducing  
211 another to file a false report or record, or knowingly failing  
212 to file a report or record required by state or local law, or  
213 knowingly impeding or obstructing such filing, or knowingly  
214 inducing another person to impede or obstruct such filing.

215 (h) Failing to properly enforce applicable fire codes or  
216 permit requirements within this state which the  
217 certificateholder knows are applicable by committing willful  
218 misconduct, gross negligence, gross misconduct, repeated  
219 negligence, or negligence resulting in a significant danger to  
220 life or property.

221 (i) Accepting labor, services, or materials at no charge  
222 or at a noncompetitive rate from any person who performs work  
223 that is under the enforcement authority of the certificateholder  
224 and who is not an immediate family member of the



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225 certificateholder. For the purpose of this paragraph, the term  
226 "immediate family member" means a spouse, child, parent,  
227 sibling, grandparent, aunt, uncle, or first cousin of the person  
228 or the person's spouse or any person who resides in the primary  
229 residence of the certificateholder.

230 (7) The Division of State Fire Marshal and the Florida  
231 Building Code Administrators and Inspectors Board, established  
232 pursuant to s. 468.605, shall enter into a reciprocity agreement  
233 to facilitate joint recognition of continuing education  
234 recertification hours for certificateholders licensed under s.  
235 468.609 and firesafety inspectors certified under subsection  
236 (2).

237 (8) The State Fire Marshal shall develop by rule an  
238 advanced training and certification program for firesafety  
239 inspectors having fire code management responsibilities. The  
240 program must be consistent with the appropriate provisions of  
241 NFPA 1037, or similar standards adopted by the division, and  
242 establish minimum training, education, and experience levels for  
243 firesafety inspectors having fire code management  
244 responsibilities.

245 (9) The department shall provide by rule for the  
246 certification of firesafety inspectors.

247 Section 4. Section 1013.12, Florida Statutes, is amended  
248 to read:

249 1013.12 Casualty, safety, sanitation, and firesafety  
250 standards and inspection of property.—

251 (1) FIRESAFETY.—The State Board of Education shall adopt  
252 and administer rules prescribing standards for the safety and

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253 health of occupants of educational and ancillary plants as a  
254 part of State Requirements for Educational Facilities or the  
255 Florida Building Code for educational facilities construction as  
256 provided in s. 1013.37, except that the State Fire Marshal in  
257 consultation with the Department of Education shall adopt  
258 uniform firesafety standards for educational and ancillary  
259 plants and educational facilities, as provided in s.  
260 633.022(1)(b), and a firesafety evaluation system to be used as  
261 an alternate firesafety inspection standard for existing  
262 educational and ancillary plants and educational facilities. The  
263 uniform firesafety standards and the alternate firesafety  
264 evaluation system shall be administered and enforced by ~~local~~  
265 fire officials certified by the State Fire Marshal under s.  
266 633.081. These standards must be used by all public agencies  
267 when inspecting public educational and ancillary plants, and the  
268 firesafety standards must be used by county, municipal, or  
269 independent special ~~local~~ fire control district inspectors  
270 ~~officials~~ when performing firesafety inspections of public  
271 educational and ancillary plants and educational facilities. In  
272 accordance with such standards, each board shall prescribe  
273 policies and procedures establishing a comprehensive program of  
274 safety and sanitation for the protection of occupants of public  
275 educational and ancillary plants. Such policies must contain  
276 procedures for periodic inspections as prescribed in this  
277 section or chapter 633 and for withdrawal of any educational and  
278 ancillary plant, or portion thereof, from use until unsafe or  
279 unsanitary conditions are corrected or removed.

280 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL

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281 BOARDS.—

282 (a) Each board shall provide for periodic inspection,  
283 other than firesafety inspection, of each educational and  
284 ancillary plant at least once during each fiscal year to  
285 determine compliance with standards of sanitation and casualty  
286 safety prescribed in the rules of the State Board of Education.

287 (b) Each school cafeteria must post in a visible location  
288 and on the school website the school's semiannual sanitation  
289 certificate and a copy of its most recent sanitation inspection  
290 report.

291 (c) Under the direction of the fire official appointed by  
292 the board under s. 1013.371(2), firesafety inspections of each  
293 educational and ancillary plant located on property owned or  
294 leased by the board, or other educational facilities operated by  
295 the board, must be made no sooner than 1 year after issuance of  
296 a certificate of occupancy and annually thereafter. Such  
297 inspections shall be made by persons certified by the Division  
298 of State Fire Marshal under s. 633.081 ~~to be eligible to~~ conduct  
299 firesafety inspections in public educational and ancillary  
300 plants. The board shall submit a copy of the firesafety  
301 inspection report to the county, municipality, or independent  
302 special fire control district providing fire protection services  
303 to the school facility within 10 business days after the date of  
304 the inspection. Alternate schedules for delivery of reports may  
305 be agreed upon between the school district and the county,  
306 municipality, or independent special fire control district  
307 providing fire protection services to the site in cases in which  
308 delivery is impossible due to hurricanes or other natural

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309 disasters. Regardless, if immediate life-threatening  
310 deficiencies are noted in the report, the report shall be  
311 delivered immediately ~~State Fire Marshal and, if there is a~~  
312 ~~local fire official who conducts firesafety inspections, to the~~  
313 ~~local fire official.~~ In addition, the board and any other  
314 authority conducting the fire safety inspection shall certify to  
315 the State Fire Marshal that the annual inspection has been  
316 completed. The certification shall be made electronically or by  
317 such other means as directed by the State Fire Marshal.

318 (d) In each firesafety inspection report, the board shall  
319 include a plan of action and a schedule for the correction of  
320 each deficiency ~~which have been formulated in consultation with~~  
321 ~~the local fire control authority.~~ If immediate life-threatening  
322 deficiencies are noted in any inspection, the board shall ~~either~~  
323 take action to promptly correct the deficiencies or withdraw the  
324 educational or ancillary plant from use until such time as the  
325 deficiencies are corrected.

326 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
327 AGENCIES.—

328 (a) A safety or sanitation inspection of any educational  
329 or ancillary plant may be made at any time by the Department of  
330 Education or any other state or local agency authorized or  
331 required to conduct such inspections by either general or  
332 special law. Each agency conducting inspections shall use the  
333 standards adopted by the Commissioner of Education in lieu of,  
334 and to the exclusion of, any other inspection standards  
335 prescribed either by statute or administrative rule. The agency  
336 shall submit a copy of the inspection report to the board.

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(b) One firesafety inspection of each educational or ancillary plant located on the property owned or leased by the board, or other educational or ancillary plants operated by the school board, and each public college may ~~must~~ be conducted no sooner than 1 year after the issuance of the certificate of occupancy and annually thereafter ~~each fiscal year~~ by the county, municipality, or independent special fire control district in which the plant is located using the standards adopted by the State Fire Marshal. The board or public college shall cooperate with the inspecting authority when a firesafety inspection is made by a governmental authority under this paragraph.

(c) In each firesafety inspection report prepared pursuant to this subsection, the county, municipality, or independent special ~~local~~ fire control district, ~~official~~ in conjunction with the board, shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the local county, municipality, or independent special fire control district, in conjunction with the fire official appointed by the board, shall ~~either~~ take action to require the board to promptly correct the deficiencies or withdraw the educational or ancillary plant ~~facility~~ from use until the deficiencies are corrected, subject to review by the State Fire Marshal who shall act within 10 days to ensure that the deficiencies are corrected or withdraw the plant ~~facility~~ from use.

(4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY DEFICIENCIES.—Upon failure of the board to take corrective

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365 action within a reasonable time, the agency making the  
366 inspection, other than a local fire official, may request the  
367 commissioner to:

368 (a) Order that appropriate action be taken to correct all  
369 deficiencies in accordance with a schedule determined jointly by  
370 the inspecting authority and the board; in developing the  
371 schedule, consideration must be given to the seriousness of the  
372 deficiencies and the ability of the board to obtain the  
373 necessary funds; or

374 (b) After 30 calendar days' notice to the board, order all  
375 or a portion of the educational or ancillary plant withdrawn  
376 from use until the deficiencies are corrected.

377 (5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-  
378 OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL  
379 BOARD.-

380 (a) A safety or sanitation inspection of any educational  
381 or ancillary plant may be made at any time by a state or local  
382 agency authorized or required to conduct such inspections by  
383 general or special law. The agency shall submit a copy of the  
384 inspection report to the charter school sponsor.

385 (b) One firesafety inspection of each charter school that  
386 is not located in facilities owned or leased by the board or a  
387 public college must be conducted each fiscal year by the county,  
388 municipality, or independent special fire control district in  
389 which the charter school is located using the standards adopted  
390 by the State Fire Marshal. Upon request, the inspecting  
391 authority shall provide a copy of each firesafety report to the  
392 board in the district in which the facility is located.

393        (c) In each firesafety inspection report and formulated in  
394 consultation with the charter school, the inspecting authority  
395 shall include a plan of action and a schedule for the correction  
396 of each deficiency. If any immediate life-threatening deficiency  
397 is noted in any inspection, the inspecting authority shall take  
398 action to require the charter school to promptly correct each  
399 deficiency or withdraw the educational or ancillary plant from  
400 use until such time as all deficiencies are corrected.

401        (d) If the charter school fails to take corrective action  
402 within the period designated in the plan of action to correct  
403 any firesafety deficiency noted under paragraph (c), the county,  
404 municipality, or independent special fire control district shall  
405 immediately report the deficiency to the State Fire Marshal and  
406 the charter school sponsor. The State Fire Marshal has  
407 enforcement authority with respect to charter school educational  
408 and ancillary plants and educational facilities as provided in  
409 chapter 633 for any building or structure.

410        (6)-(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
411 FACILITIES.-

412        (a) Firesafety inspections of public ~~community~~ college  
413 facilities, including charter schools located on board-owned or  
414 board-leased facilities or otherwise operated by public college  
415 boards, shall be made in accordance ~~comply~~ with the Florida Fire  
416 Prevention Code, as adopted by the State Fire Marshal.  
417 Notwithstanding s. 633.0215, provisions of the code relating to  
418 inspections of such facilities are not subject to any local  
419 amendments as provided by s. 1013.371. Each public college  
420 facility shall be inspected annually by persons certified under

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421 s. 633.081 ~~Board of Education rules.~~

422 (b) After each required firesafety inspection, the  
423 inspecting authority shall develop a plan of action to correct  
424 each deficiency identified. The public college shall provide a  
425 copy of each firesafety inspection report to the county,  
426 municipality, or independent special fire control district in  
427 which the facility is located.

428 (c) ~~(b)~~ Firesafety inspections of state universities shall  
429 comply with the Florida Fire Prevention Code, as adopted by the  
430 State Fire Marshal under s. 633.0215 ~~regulations of the Board of~~  
431 ~~Governors.~~

432 (7) ~~(6)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—If a  
433 school ~~Upon failure of the board,~~ public college board, or  
434 charter school fails to correct any firesafety deficiency noted  
435 under this section ~~take corrective action~~ within the time  
436 designated in the plan of action ~~to correct any firesafety~~  
437 ~~deficiency noted under paragraph (2)(d) or paragraph (3)(e), the~~  
438 inspecting authority ~~local fire official~~ shall immediately  
439 report the deficiency to the State Fire Marshal, who has ~~shall~~  
440 ~~have~~ enforcement authority with respect to educational and  
441 ancillary plants and educational facilities as provided in  
442 chapter 633 for any other building or structure.

443 (8) ~~(7)~~ ADDITIONAL STANDARDS.—In addition to any other  
444 rules adopted under this section or s. 633.022, the State Fire  
445 Marshal in consultation with the Department of Education shall  
446 adopt and administer rules prescribing the following standards  
447 for the safety and health of occupants of educational and  
448 ancillary plants:



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449 (a) The designation of serious life-safety hazards,  
450 including, but not limited to, nonfunctional fire alarm systems,  
451 nonfunctional fire sprinkler systems, doors with padlocks or  
452 other locks or devices that preclude egress at any time,  
453 inadequate exits, hazardous electrical system conditions,  
454 potential structural failure, and storage conditions that create  
455 a fire hazard.

456 (b) The proper placement of functional smoke and heat  
457 detectors and accessible, unexpired fire extinguishers.

458 (c) The maintenance of fire doors without doorstops or  
459 wedges improperly holding them open.

460 ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~  
461 ~~annual report to be filed with the substantive committees of the~~  
462 ~~state House of Representatives and Senate having jurisdiction~~  
463 ~~over education, the Commissioner of Education or his or her~~  
464 ~~successor, the State Board of Education, the Board of Governors,~~  
465 ~~and the Governor documenting the status of each board's~~  
466 ~~firesafety program, including the improvement or lack thereof.~~

467 Section 5. Paragraph (a) of subsection (1) and subsection  
468 (2) of section 1013.371, Florida Statutes, are amended to read:

469 1013.371 Conformity to codes.—

470 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE  
471 PREVENTION CODE REQUIRED FOR APPROVAL.—

472 (a) Except as otherwise provided in paragraph (b), all  
473 public educational and ancillary plants constructed by a board  
474 must conform to the Florida Building Code and the Florida Fire  
475 Prevention Code, and the plants are exempt from all other state  
476 building codes; county, municipal, or other local amendments to

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the Florida Building Code and local amendments to the Florida Fire Prevention Code; building permits, and assessments of fees for building permits, except as provided in s. 553.80; ordinances; road closures; and impact fees or service availability fees. Any inspection by local or state government must be based on the Florida Building Code and the Florida Fire Prevention Code. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities.

(2) ENFORCEMENT BY BOARD.—It is the responsibility of each board to ensure that all plans and educational and ancillary plants meet the standards of the Florida Building Code and the Florida Fire Prevention Code and to provide for the enforcement of these codes in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may employ a chief building official ~~or~~ ~~inspector~~ and such other inspectors, who have been certified pursuant to chapter 468, and a fire official and such other inspectors, who have been certified pursuant to chapter 633, and such personnel as ~~are~~ necessary to administer and enforce the provisions of such codes ~~this code~~. Boards may also use local building department inspectors who are certified by the department to enforce the Florida Building Code and the State Requirements for Educational Facilities ~~this code~~. Boards may also use local county, municipal, or independent special fire control district firesafety inspectors who are certified by the

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505 State Fire Marshal to conduct reviews of site plans and  
506 inspections and to enforce the Florida Fire Prevention Code.  
507 Plans or facilities that fail to meet the standards of the  
508 Florida Building Code or the Florida Fire Prevention Code may  
509 not be approved. When planning for and constructing an  
510 educational, auxiliary, or ancillary facility, a board must use  
511 construction materials and systems that meet standards adopted  
512 pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual  
513 construction of a facility deviates from the adopted standards,  
514 the board must, at a public hearing, quantify and compare the  
515 costs of constructing the facility with the proposed deviations  
516 and in compliance with the adopted standards and the Florida  
517 Building Code. The board must explain the reason for the  
518 proposed deviations and compare how the total construction costs  
519 and projected life-cycle costs of the facility or component  
520 system of the facility would be affected by implementing the  
521 proposed deviations rather than using materials and systems that  
522 meet the adopted standards.

523 Section 6. Section 1013.38, Florida Statutes, is amended  
524 to read:

525 1013.38 Boards to ensure that facilities comply with  
526 building codes and life safety codes.—

527 (1) Boards shall ensure that all new construction,  
528 renovation, remodeling, day labor, and maintenance projects  
529 conform to the appropriate sections of the Florida Building  
530 Code, Florida Fire Prevention Code, or, where applicable as  
531 authorized in other sections of law, other building codes, and  
532 life safety codes.

533        (a) For each proposed new facility and each proposed new  
534 facility addition exceeding 2,500 square feet, the board shall  
535 submit for review a minimum of one copy of the site plan to the  
536 local county, municipality, or independent special fire control  
537 district providing fire-protection services to the facility.

538        (b) The local county, municipality, or independent special  
539 fire control district may review each site plan for compliance  
540 with the applicable provisions of the Florida Fire Prevention  
541 Code relating to fire department access roads, fire-protection  
542 system connection locations, and fire hydrant spacing. Such site  
543 plans are not subject to local amendments to the Florida Fire  
544 Prevention Code or local ordinances as provided in s. 1013.371.  
545 Site plan reviews conducted pursuant to this section shall be  
546 performed at no charge to the school board or public college  
547 board.

548        (c) The site plan shall be deemed approved unless the  
549 local county, municipality, or independent special fire control  
550 district submits to the fire official appointed by the board, in  
551 writing, any deficiencies identified with reference to specific  
552 provisions of the Florida Fire Prevention Code within 15 days  
553 after receipt of the site plan. The fire official shall  
554 incorporate such comments into his or her review and subsequent  
555 inspections.

556        (d) If the local county, municipality, or independent  
557 special fire control district and the fire official appointed by  
558 the board do not agree on the requirements or application of the  
559 Florida Fire Prevention Code, either party may refer the matter  
560 to the State Fire Marshal, who shall have final administrative

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561 authority in resolving the matter.

562 (2) In addition to the submission of site plans, boards  
563 may provide compliance as follows:

564 (a) Boards or consortia may individually or cooperatively  
565 provide review services under the insurance risk management  
566 oversight through the use of board employees or consortia  
567 employees, registered pursuant to chapter 471, chapter 481, or  
568 part XII of chapter 468 and firesafety inspectors certified  
569 under s. 633.081.

570 (b) Boards may elect to review construction documents  
571 using their own employees registered pursuant to chapter 471,  
572 chapter 481, or part XII of chapter 468 and firesafety  
573 inspectors certified under s. 633.081.

574 (c) Boards may submit phase III construction documents for  
575 review to the department.

576 (d) Boards or consortia may contract for plan review  
577 services directly with engineers and architects registered  
578 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
579 certified under s. 633.081.

580 (3) The Department of Management Services may, upon  
581 request, provide facilities services for the Florida School for  
582 the Deaf and the Blind, the Division of Blind Services, and  
583 public broadcasting. As used in this section, the term  
584 "facilities services" means project management, code and design  
585 plan review, and code compliance inspection for projects as  
586 defined in s. 287.017(5).

587 (4) (a) Before the commencement of any new construction,  
588 renovation, or remodeling, the board shall:

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589       1. Approve or cause to be approved the construction  
590 documents and evaluate such documents for compliance with the  
591 Florida Building Code and the Florida Fire Prevention Code.

592       2. Ensure compliance with all applicable firesafety codes  
593 and standards by contracting with a firesafety inspector  
594 certified by the State Fire Marshal under s. 633.081.

595       (b) A certificate of occupancy may not be issued until the  
596 board, through its designated certified building official, has  
597 determined that the building or structure and its site  
598 conditions comply with all applicable statutes and rules.

599       (c) The method of compliance as chosen by the board  
600 pursuant to subsection (2) shall be documented and maintained as  
601 part of the construction record file.

602       (d) Upon request by the local county, municipality, or  
603 independent special fire control district, the board shall  
604 provide reasonable access to all construction documents.

605       Section 7. This act shall take effect July 1, 2011.