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

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

363 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY
364 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.

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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.

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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.