

1                                   A bill to be entitled  
 2           An act relating to firesafety for agricultural  
 3           buildings; amending s. 633.202, F.S.; providing  
 4           definitions; exempting certain nonresidential farm  
 5           buildings from the Florida Fire Prevention Code under  
 6           specified circumstances; requiring the State Fire  
 7           Marshal to conduct a study addressing secondary uses  
 8           of certain nonresidential farm outbuildings; requiring  
 9           the State Fire Marshal to convene a workgroup by a  
 10          specified date to assist with the study; requiring the  
 11          State Fire Marshal to initiate rulemaking by a  
 12          specified date if the study determines that  
 13          alternative life safety or fire prevention standards  
 14          are required; amending s. 633.208, F.S.; authorizing  
 15          local fire officials to consider specific chapters of  
 16          the Florida Fire Prevention Code to find alternative  
 17          low-cost reasonable options for firesafety for certain  
 18          buildings; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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

24           633.202 Florida Fire Prevention Code.—

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

26           1. "Agricultural pole barn" means a nonresidential farm

27 building in which 90 percent of more of the perimeter walls are  
28 permanently open and allow free ingress and egress.

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

31 (b) A nonresidential farm building as defined in s.  
32 604.50(2) structure, located on property that is classified for  
33 ad valorem purposes as agricultural, which is part of a farming  
34 or ranching operation, in which the occupancy is limited by the  
35 property owner to no more than 35 persons, and which is not used  
36 by the public for direct sales or as an educational outreach  
37 facility, is exempt from the Florida Fire Prevention Code,  
38 including the national codes and Life Safety Code incorporated  
39 by reference. ~~This paragraph does not include structures used~~  
40 ~~for residential or assembly occupancies, as defined in the~~  
41 ~~Florida Fire Prevention Code.~~

42 (c) Notwithstanding any other provision of law, a  
43 nonresidential farm building as defined in s. 604.50(2) is  
44 exempt from the Florida Fire Prevention Code, including the  
45 national codes and the Life Safety Code incorporated by  
46 reference, if:

47 1. The nonresidential farm building is used by the owner  
48 for assembly, business, or mercantile occupancy, as defined in  
49 the Florida Fire Prevention Code, no more than 20 times per  
50 year.

51 2. Each occupancy lasts no longer than 72 hours and has no  
52 more than 150 persons in attendance.

53 (d) Notwithstanding any other provision of law, an  
54 agricultural pole barn is exempt from the Florida Fire  
55 Prevention Code, including the national fire codes and the Life  
56 Safety Code incorporated by reference.

57 (e) The State Fire Marshal shall conduct a study on the  
58 secondary use of nonresidential farm buildings as assembly  
59 occupancies that are used more than 20 times per year or have  
60 more than 150 persons in attendance.

61 1. The State Fire Marshal shall convene a workgroup no  
62 later than September 1, 2015, to assist with the study, which  
63 shall include representatives of the Florida Agritourism  
64 Association, the Florida Farm Bureau, the Florida Department of  
65 Agriculture and Consumer Services, the Florida Fire Chiefs'  
66 Association, the Florida Professional Firefighters, the Florida  
67 Fire Marshals and Inspectors Association, the Florida State  
68 Firefighters' Association, the Florida Volunteer Fire Officers'  
69 Association, and other interested parties.

70 2. If the study determines that an assembly occupancy  
71 described under this paragraph requires life safety and fire  
72 prevention standards that are different from those currently  
73 contained in the Florida Fire Prevention Code, the State Fire  
74 Marshal shall initiate rulemaking pursuant to ss. 120.536(1) and  
75 120.54 by December 1, 2015, to facilitate the use of such  
76 alternatives in farm outbuildings used on a secondary basis as  
77 assembly occupancies.

78 (17)(b) A tent up to 900 square 30 feet by 30 feet is

79 exempt from the Florida Fire Prevention Code, including the  
80 national codes incorporated by reference.

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

83 633.208 Minimum firesafety standards.—

84 (5) With regard to existing buildings, the Legislature  
85 recognizes that it is not always practical to apply any or all  
86 of the provisions of the Florida Fire Prevention Code and that  
87 physical limitations may require disproportionate effort or  
88 expense with little increase in fire or life safety. Before  
89 ~~Prior to~~ applying the minimum firesafety code to an existing  
90 building, the local fire official shall determine that a threat  
91 to lifesafety or property exists. If a threat to lifesafety or  
92 property exists, the fire official shall apply the applicable  
93 firesafety code for existing buildings to the extent practical  
94 to ensure ~~assure~~ a reasonable degree of lifesafety and safety of  
95 property or the fire official shall fashion a reasonable  
96 alternative that ~~which~~ affords an equivalent degree of  
97 lifesafety and safety of property. The local fire official may  
98 consider the firesafety evaluation system found in the current  
99 edition of the National Fire Protection Association, "NFPA 101A:  
100 Guide on Alternative Solutions to Life Safety" as adopted by the  
101 State Fire Marshal, to identify acceptable low-cost  
102 alternatives. The decision of the local fire official may be  
103 appealed to the local administrative board described in s.  
104 553.73.

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Section 3. This act shall take effect July 1, 2015.