

Education Facilities Fire Safety Legislation

House Bill 331

Florida Laws 2011-79

State Colleges, K-12 School Districts and the Department of Education successfully worked with the State Fire Marshal (SFM) to pass legislation that we have been working toward for several years. This legislation will provide cost efficiencies, eliminate unnecessary reports, eliminate duplicative inspections, clarify fire code inspection responsibilities, align certification requirements for those that inspect schools, expand educational opportunities for management level firesafety inspectors and provide site plan documents needed by local fire officials. The proposed legislation provides:

- Under 633.01(7) State Fire Marshal: powers and duties; rules.— adds that the SFM will work in consultation with DOE, shall adopt and administer rules prescribing standards for the safety and health of occupants of education and ancillary facilities....
- Under 633.021(11) Definitions—revises the definition of “firesafety inspector” as an individual certified by the State Fire Marshal under s. 633.081 who is....
- Under 633.081(3) and following, Aligns the qualifications for all firesafety inspectors by the SFM in 2012, eliminating the “special state firesafety inspector” classification and requiring anyone who inspects schools to have the same “standard state firesafety inspector” certification by abolishing the “special state firesafety inspector” classification as of June 30, 2013; provides for grandfather provisions so that those currently licensed under that classification with at least 5 years experience may take the standard examination before July 1, 2013 and pass; or if fails can take additional 80 hours of classes and take exam.
- Under 1013.12—Casualty, safety, sanitation, and firesafety standards and inspection of property redefines “local fire officials” so that it mirrors the definition in 633.01...local fire officials certified by the state Fire Marshal under s. 633.081. Under this section it also cleans up the language identifying who must use the uniform firesafety standards, and states must be used by county, municipal, or independent special local fire control district inspectors officials.....
- Under 1013.12(2)—Eliminated the second, duplicative annual inspection of facilities that is mandatory for the local, county, municipal or special fire district (commonly referred to as the “local fire authority”). The firesafety inspector must submit to the locals, a copy of the report within 10 days of being completed and provides that if there are life-threatening deficiencies noted, the report will be delivered immediately. **You will be required to certify electronically to the SFM that the annual inspection has been completed.** In (3) it still allows for the locals to conduct the inspection if they want to, but it is not mandatory, but must work in conjunction with the board appointed fire official to take any facility offline.
- Under Section (5)—It clarifies who has responsibility to inspect Charter Schools and sets forth clearer standards for what actions must be taken if there are deficiencies. So if you have a charter school on board owned or leased property then the educational institution firesafety inspector must inspect, otherwise, the county, municipality, or independent special fire control district in which the charter school is located is required to inspect annually.

- Under Section (6)—For Charter schools that are college board owned or leased facilities or buildings operated by the College shall be made in accordance with the FFPC as adopted by the SFM, notwithstanding 633.0215....provisions of the code relating to inspections of such facilities are not subject to any local amendments as provided by s. 1013.371....
- Under Section (8)— it eliminates the reports sent to the SFM. Currently, all State colleges and school districts submit fire safety inspection reports to the SFM who is required to summarize them for the legislature. This legislation eliminates that unnecessary work and retains the reports at the local level where they are used and more easily accessed by the public should they choose to review them. **Colleges and school districts will still certify to the SFM that the fire safety inspections and reports have been completed.**
- Under 1013.371 Conformity to codes—adds language that plainly says that it is our boards, as defined by our educational statutes, so it means our school boards or college boards of trustees that have jurisdiction over the plan review and inspection of construction projects, by adding and fire official and such other inspectors, who have ben certified pursuant to chapter 633. There still remains the option for our boards to use the local building code plan reviewers and inspectors or firesafety inspectors if we so choose.
- Under 1013.38—However adds a new requirement for schools to submit a site plan for each new facility or addition that exceeds 2,500 square feet to the local fire control district that provides fire protection services for their review and feedback. The following items are to be looked at by the local county, municipality, or independent special fire control district providing fire-protection services to the facility:
 - Related to fire department access roads
 - Fire-protection system connection locations
 - Fire hydrant spacing.

Note: The site plans are not subject to local amendment to the FFPC or local ordinances and locals cannot charge you for the review. The site plan is deemed approved if you do not get comments back within 15 days after receipt of site plan and your fire official incorporates the local's comments into your review and inspections. This is not a separate report. If there remains disagreement between your fire official and the local, then refer to SFM.

- Under Section (2) we cleaned it up and by adding firesafety inspectors certified by 633.081 can be used by board to hire.
- Under Section (4): Aligns new construction, renovation, or remodeling jurisdictional responsibility for plan review and inspection and issuance of a Certificate of Occupancy to the school board or colleges. However, upon request, by the local county, municipality or independent special fire control district, the board shall provide reasonable access to all construction documents.
- The SFM will provide an optional advanced training and certification program for firesafety inspectors with fire code management responsibilities, further enhancing professional development opportunities.