

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION        (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

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1 Committee/Subcommittee hearing bill: Regulatory Affairs  
2 Committee  
3 Representative Raburn offered the following:  
4

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (16) of section 633.202, Florida  
8 Statutes, is amended to read:

9 633.202 Florida Fire Prevention Code.—

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

11 1. "Agricultural pole barn" means a nonresidential farm  
12 building in which 90 percent or more of the perimeter walls are  
13 permanently open and allow free ingress and egress.

14 2. "Nonresidential farm building" has the same meaning  
15 provided in s. 604.50.

16 (b) A nonresidential farm building structure, located on  
17 property that is classified for ad valorem purposes as

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18 ~~agricultural, which is part of a farming or ranching operation,~~  
19 in which the occupancy is limited by the property owner to no  
20 more than 35 persons, ~~and which is not used by the public for~~  
21 ~~direct sales or as an educational outreach facility,~~ is exempt  
22 from the Florida Fire Prevention Code, including the national  
23 codes and Life Safety Code incorporated by reference. ~~This~~  
24 ~~paragraph does not include structures used for residential or~~  
25 ~~assembly occupancies, as defined in the Florida Fire Prevention~~  
26 ~~Code.~~

27 (c) Notwithstanding any other provision of law, a  
28 nonresidential farm building is exempt from the Florida Fire  
29 Prevention Code, including the national codes and the Life  
30 Safety Code incorporated by reference, if all of the following  
31 conditions are met:

32 1. The nonresidential farm building is used by the owner  
33 only for the secondary purposes of assembly, business, or  
34 mercantile occupancy, as defined in the Florida Fire Prevention  
35 Code, and is not used for lodging purposes.

36 2. Each event has less than 100 persons occupying the  
37 building at one time.

38 3. There are at least two means of egress or openings of  
39 at least 36 inches in width and 80 inches in height.

40 4. The nonresidential farm building provides at least 7  
41 square feet per person in attendance if the building is not  
42 concentrated with chairs, tables, or other obstacles, and 15  
43 square feet per person in attendance if the building is

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44 concentrated with chairs, tables, or other obstacles.

45 5. The storage of combustible or flammable liquids inside  
46 the nonresidential farm building during each event is not  
47 permitted.

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

52 (e) The State Fire Marshal shall conduct a study on the  
53 secondary use of nonresidential farm buildings as assembly,  
54 business, or mercantile occupancies with 100 persons or more in  
55 attendance and on the development of a fire safety evaluation  
56 system for nonresidential farm buildings used for those  
57 occupancies.

58 1. The State Fire Marshal shall convene a workgroup on or  
59 before September 1, 2015, to assist with the study. The  
60 workgroup must include a representative of the Florida  
61 Agritourism Association, the Florida Farm Bureau, the Department  
62 of Agriculture and Consumer Services, the Florida Fire Chiefs  
63 Association, the Florida Professional Firefighters Association,  
64 the Florida Fire Marshals and Inspectors Association, and the  
65 Florida Volunteer Firefighters Association. The workgroup may  
66 include other interested parties.

67 2. Based on the study, if the State Fire Marshal  
68 determines that the secondary use of nonresidential farm  
69 buildings as described in this paragraph requires alternative

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70 life safety or fire prevention standards instead of those  
71 currently specified in the Florida Fire Prevention Code, the  
72 State Fire Marshal shall in coordination with the Department of  
73 Agriculture and Consumer Services adopt the alternative  
74 standards by rule. Such rulemaking shall be initiated on or  
75 before December 1, 2015.

76 (17)(b) A tent up to 900 square 30 feet by 30 feet is  
77 exempt from the Florida Fire Prevention Code, including the  
78 national codes incorporated by reference.

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

81 633.208 Minimum firesafety standards.—

82 (5) With regard to existing buildings, the Legislature  
83 recognizes that it is not always practical to apply any or all  
84 of the provisions of the Florida Fire Prevention Code and that  
85 physical limitations may require disproportionate effort or  
86 expense with little increase in fire or life safety. Before  
87 ~~Prior to~~ applying the minimum firesafety code to an existing  
88 building, the local fire official shall determine that a threat  
89 to lifesafety or property exists. If a threat to lifesafety or  
90 property exists, the fire official shall apply the applicable  
91 firesafety code for existing buildings to the extent practical  
92 to assure a reasonable degree of lifesafety and safety of  
93 property or the fire official shall fashion a reasonable  
94 alternative that ~~which~~ affords an equivalent degree of  
95 lifesafety and safety of property. The local fire official may

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96 consider the Fire Safety Evaluation System found in NFPA 101A,  
97 Guide on Alternative Solutions to Life Safety, adopted by the  
98 State Fire Marshal, as an acceptable source for the  
99 identification of low-cost, reasonable alternatives. The  
100 decision of the local fire official may be appealed to the local  
101 administrative board described in s. 553.73.

102 Section 3. This act shall take effect July 1, 2015.  
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105 **T I T L E A M E N D M E N T**

106 Remove everything before the enacting clause and insert:

107 A bill to be entitled

108 An act relating to firesafety; amending s. 633.202, F.S.;  
109 defining terms; exempting nonresidential farm buildings and  
110 agricultural pole barns, rather than specified structures  
111 located on agricultural property, from the Florida Fire  
112 Prevention Code under specified circumstances; authorizing the  
113 local fire official to request notification of certain events  
114 held in a nonresidential farm building; requiring the State Fire  
115 Marshal to conduct a study addressing certain secondary uses of  
116 nonresidential farm buildings; requiring the State Fire Marshal  
117 to convene a workgroup by a specified date to assist with the  
118 study; requiring the State Fire Marshal to initiate rulemaking  
119 by a specified date if the study determines that certain life  
120 safety or fire prevention standards are required; revising the  
121 maximum measurements of a tent that is exempt from the Florida

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1025 (2015)

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122 Fire Prevention Code; amending s. 633.208, F.S.; authorizing a  
123 local fire official to consider a specified publication when  
124 identifying an alternative to a firesafety code; providing an  
125 effective date.