

14.020 University Supervision of Construction Program:

The proposed regulation amendment appears to conflict with sections 633.218(3)(b) and (4), Florida Statutes, by allowing the board of trustees to circumvent the Division of State Fire Marshal's required review and approval of the plans for all construction of any new, or renovation or alteration of any existing, state-owned building.

The Division of State Fire Marshal has reviewed plans for the universities for many years pursuant to section 633.218(3)(b), Florida Statutes, which provides "the plans for all construction of any new, or renovation or alteration of any existing, state-owned building are subject to the review and approval of the division for compliance with the uniform firesafety standards." The Florida Board of Governors has proposed to amend section 14.020, to allow a certified firesafety inspector to review and approve construction plans. The transfer of the approval process from the Division of State Fire Marshal to a certified firesafety inspector is unnecessary because the division is statutorily required to review and approve the plans. This proposed transfer could cause financial harm and delay.

The Division of State Fire Marshal is also required to inspect state-owned and state-leased building to ascertain compliance with the Florida Fire Prevention Code. Section 633.218(4), Florida Statutes, provides "the division may inspect state-owned building and space and state-leased buildings and space as necessary **before occupancy or during construction**, renovation, or alteration to ascertain compliance with the uniform firesafety standards. Whenever the division determines by virtue of such inspection or by review of plans that construction, renovation or alteration of state-owned buildings and state-leased buildings or space is not in compliance with the uniform firesafety standards, the division shall issue an order to cease construction, renovation, or alteration, or to preclude occupancy, of a building until compliance is obtained, except for those activities required to achieve such compliance." [Emphasis added] Therefore, if a university makes the proposed regulatory changes to 14.020 to allow a certified fire inspector to review the construction plans, the university would still be subject to an inspection or plan review by the State Fire Marshal's office in order to confirm compliance with the Florida Fire Prevention Code. If the university relies on a certified firesafety inspector's approval only and constructs the building but then learn that the building is not compliant with the Florida Fire Prevention Code, the university may be required to cease construction or renovation until compliance is obtained, which could be costly.

The regulatory changes do nothing more than circumvent the Division of State Fire Marshal's required review and approval of plans. Pursuant to statute, the Division of State Fire Marshal is also required to inspect the buildings before occupancy or during construction for compliance with the Florida Fire Prevention Code.

Although the numbering for this statutory section changed in 2013, the text of the section remains unchanged from previous iterations.