

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND DIVISION OF STATE FIRE MARSHAL

FIRE SAFETY FACT SHEET

Fire Safety Inspections – Division of State Fire Marshal

Fire inspections are required of Family Day Care Homes, Large Family Child Care Homes and Child Care Facilities in accordance with Chapter 633, Florida Statutes.

Statutory Authority

Section 633.022(1), F.S., provides the State Fire Marshal authority to establish uniform fire safety standards governing the construction and utilization of all *residential and non-residential* child care facilities.

Non-residential child care facility means and includes; Family Day Care Homes, Large Family Child Care Homes and Child Care Facilities – as defined in Chapter 402, Florida Statutes. The definitions of family day care homes and group day care homes in the Life Safety Code shall not apply to any facility licensed in accordance with this statute.

Fire Safety Inspection Standards

Chapter 69A-36, F.A.C., establishes the fire safety standards that have been adopted by rule for enforcement in all non-residential child care occupancies listed in s. 633.022, F.S. The State Fire Marshal's Office has adopted Rule 69A-36, F.A.C., for the child care occupancy.

Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for non-residential child care facilities establishes the standards that local fire officials **must** use when inspecting all non-residential child care facilities. This rule adopts by reference, Standards of the National Fire Protection Association (NFPA). Chapter 69A-36 is a Uniform Fire Safety Code and must be used statewide. Local fire authorities **cannot** by ordinance adopt different fire safety standards for child care occupancies.

Chapter 69A-36, F.A.C., applies to all new and existing non-residential child care facilities. This chapter defines these facilities as child care designed to care for infants and children ages 0-17 for a period of less than 24 hours per day, as used in Chapter 402, Florida Statutes.

Fire Safety Inspections

Local fire inspectors should refer to the State Fire Marshal's Rule, Chapter 69A-36, F.A.C., for the applicable standards for their inspections of Family Day Care Homes, Large Family Child Care Homes and Child Care Facilities.

Family Day Care Homes and Large Family Child Care Homes are inspected based on the same standards. Child Care Facilities, as they provide care for more children in a commercial setting, have additional fire protection requirements.

Appeals Process

The child care provider can appeal a decision of a local fire inspector to the local appeals board that hear issues related to Building Code and Fire Safety. If a provider wishes to appeal the decision of the local board, an appeal must be filed with the Division of State Fire Marshal. The Office of the State Fire Marshall will respond to any such appeal in the form of a Declaratory Statement, which is a binding legal opinion.

Child Care Licensing – Department of Children and Families

Child Care Facilities

Per s. 402.305(1)(b), F.S., and Chapter 65C-22.002(7)(a), F.A.C., **prior** to being licensed by the Department of Children and Families, all child care facilities (unless statutorily exempted) must conform to state standards adopted by the State Fire Marshal (Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Non-Residential Child Care Facilities). All facilities must be inspected annually and a current, approved fire inspection (by a certified fire inspector) must be on file with the Department or local licensing agency.

For facilities in a public school, including child care programs for school-age children that attend before or after school programs on a public school site, the Department is required to use Chapter 69A-58, F.A.C., the public school fire code standards, *as provided in the rules of the State Fire Marshal*, as the minimum standards for fire safety (s. 402.305(1)(b) and s. 402.305(7)(b), F.S.).

- Child Care Facilities shall conduct monthly fire drills at various times and incorporate various evacuation routes when children are in care. Facilities must also maintain a written monthly log showing the date, number of children in attendance, and the time taken to evacuate the premises. (Chapter 65C-22.002, F.A.C.)
- Emergency evacuation diagrams of safe exit routes shall be posted in each room of the facility in the event of an emergency.
- A current attendance record must accompany staff out of the building during a drill or evacuation and be used to account for all children.
- Emergency telephone numbers, the physical address and directions to the facility shall be posted on or near all facility telephones.

Large Family Child Care Homes

Per s. 402.3131(8), F.S., and Ch. 65C-20.013(11)(a), F.A.C., **prior** to being licensed by the Department, all Large Family Child Care Homes must conform to state standards adopted by the State Fire Marshal. All Large Family Child Care Homes must be inspected annually and a current, approved fire inspection by a certified fire inspector must be on file with the Department or local licensing agency.

Family Day Care Homes

For the purposes of child care licensing, an approved fire inspection of a Family Day Care Home **is not** required as a condition of licensure; however, an approved fire inspection of a Family Day Care Home may be required by your local licensing board or the local fire official pursuant to Chapter 633, F.S.

- Large Family Child Care Homes and Family Day Care Homes shall conduct monthly fire drills at various times and incorporate various evacuation routes when children are in care. Homes must also maintain a written monthly log showing the date, number of children in attendance, and the time taken to evacuate the premises.
- Large Family Child Care Homes and Family Day Care Homes shall post emergency telephone numbers, the physical address and directions to the home, on or near all telephones.
- Large Family Child Care Homes shall post emergency evacuation diagrams depicting safe exit routes in the home in the event of an emergency.

