

1 A bill to be entitled
2 An act relating to fire prevention and control; amending
3 s. 633.01, F.S.; revising a provision relating to
4 requirements for the State Fire Marshal to make certain
5 firesafety inspections and take certain corrective
6 actions; amending s. 633.02, F.S.; revising provisions
7 relating to agents of the State Fire Marshal; amending s.
8 633.022, F.S.; revising provisions relating to uniform
9 firesafety standards to include application to tunnels;
10 creating s. 633.0221, F.S.; providing for firesafety in
11 educational facilities; specifying uniform firesafety
12 standards; providing for periodic inspections of property
13 by district school boards; providing for inspections of
14 educational property by the State Fire Marshal; providing
15 for inspections of public postsecondary education
16 facilities; providing for actions to correct firesafety
17 deficiencies; specifying additional standards; amending s.
18 633.03, F.S.; expanding application of authority of the
19 State Fire Marshal to investigate fires to include
20 explosions; amending s. 633.081, F.S.; abolishing special
21 state firesafety inspector classifications; providing for
22 certification as a firesafety inspector; providing
23 application and examination requirements; authorizing the
24 State Fire Marshal to develop a certain advanced training
25 and certification program for firesafety inspectors;
26 authorizing the Division of State Fire Marshal to enter
27 into a reciprocity agreement with the Florida Building
28 Code Administrators and Inspectors Board for certain

29 continuing education recertification purposes; amending s.
30 633.085, F.S.; revising requirements for the State Fire
31 Marshal to inspect state buildings; amending s. 633.101,
32 F.S.; revising and expanding the authority and powers of
33 the State Fire Marshal to administer oaths, request
34 attendance of witnesses, and collect evidence; providing
35 certain forms of immunity from liability for certain
36 actions and persons under certain circumstances; exempting
37 certain information from discovery under certain
38 circumstances; exempting agents of the State Fire Marshal
39 from subpoena under certain circumstances; specifying
40 limitations on treatment of physical evidence; providing
41 for submittal for certain crime-related reports or
42 information to the State Fire Marshal; authorizing agents
43 of the State Fire Marshal to make arrests as state law
44 enforcement officers under certain circumstances; making
45 it unlawful to resist arrest; amending s. 633.121, F.S.;
46 expanding eligible persons authorized to enforce laws and
47 rules of the State Fire Marshal; amending s. 633.13, F.S.;
48 revising a provision relating to the authority of agents
49 of the State Fire Marshal; creating s. 633.145, F.S.;
50 establishing the Arson and Destructive Device Reward
51 Program within the department; providing for funding;
52 authorizing the department to pay awards for information
53 leading to certain arrests; providing limitations;
54 requiring the department to adopt rules; amending s.
55 633.161, F.S.; expanding the list of violations for which
56 the State Fire Marshal may issue certain enforcement

57 orders; providing criminal penalties for failure to comply
58 with such orders; amending s. 633.171, F.S.; revising a
59 criminal penalty provision; amending s. 633.175, F.S.;
60 specifying criteria for commission of fraudulent insurance
61 acts; providing a criminal penalty; amending s. 633.18,
62 F.S.; revising a provision relating to conduct of
63 inquiries or investigations by agents of the State Fire
64 Marshal; amending s. 633.30, F.S.; revising definitions;
65 amending s. 633.34, F.S.; revising requirements for
66 qualification for employment as a firefighter; amending s.
67 633.35, F.S.; revising requirements for firefighter
68 training and certification; requiring the Division of
69 State Fire Marshal to establish training programs for
70 certain certifications; providing requirements; amending
71 s. 633.351, F.S.; revising provisions for disciplinary
72 actions for firefighters; revising standards for
73 revocation of firefighter certifications; amending s.
74 633.352, F.S.; revising requirements for retention of
75 firefighter certification; amending s. 633.382, F.S.;
76 expanding application of provisions providing for required
77 supplemental compensation for firefighters; amending s.
78 633.524, F.S.; authorizing the State Fire Marshal to
79 contract to provide certain examinations; amending s.
80 633.541, F.S.; expanding an exclusion from application of
81 a prohibition against contracting without certification
82 for certain homeowners; amending s. 633.811, F.S.;
83 expanding authority of the division to enforce provisions
84 of law and rules applicable to employers; authorizing

85 | assessment of administrative fines; amending s. 633.821,
 86 | F.S.; deleting certain obsolete provisions requiring
 87 | counties, municipalities, and special districts to
 88 | implement certain provisions of federal law; amending s.
 89 | 1013.12, F.S.; revising provisions providing for casualty,
 90 | safety, sanitation, and firesafety standards and
 91 | inspections of educational facilities and ancillary
 92 | plants; amending ss. 218.23 and 447.203, F.S.; revising
 93 | cross-references; repealing s. 633.14, F.S., relating to
 94 | agents' powers to make arrests, conduct searches and
 95 | seizures, serve summonses, and carry firearms; providing
 96 | an effective date.

97 |

98 | Be It Enacted by the Legislature of the State of Florida:

99 |

100 | Section 1. Subsection (7) of section 633.01, Florida
 101 | Statutes, is amended to read:

102 | 633.01 State Fire Marshal; powers and duties; rules.--

103 | (7) The State Fire Marshal shall adopt and administer
 104 | rules prescribing standards for the safety and health of
 105 | occupants of educational and ancillary facilities pursuant to
 106 | ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any
 107 | county that does not employ or appoint a local fire official,
 108 | the State Fire Marshal shall assume the duties of the local fire
 109 | official with respect to firesafety inspections ~~of educational~~
 110 | ~~property required under s. 1013.12(3)(b), and the State Fire~~
 111 | ~~Marshal may take necessary corrective action as authorized under~~
 112 | ~~s. 1013.12(6).~~

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113 Section 2. Section 633.02, Florida Statutes, is amended to
 114 read:

115 633.02 Agents; powers and duties; compensation.--The State
 116 Fire Marshal shall appoint such agents as may be necessary to
 117 carry out effectively the provisions of this chapter, who shall
 118 be reimbursed for travel expenses as provided in s. 112.061, in
 119 addition to their salary, when traveling or making
 120 investigations in the performance of their duties. Such agents
 121 shall be at all times under the direction and control of the
 122 State Fire Marshal, who shall fix their compensation, and all
 123 orders shall be issued in the State Fire Marshal's name and by
 124 her or his authority.

125 Section 3. Paragraph (b) of subsection (1) of section
 126 633.022, Florida Statutes, is amended to read:

127 633.022 Uniform firesafety standards.--The Legislature
 128 hereby determines that to protect the public health, safety, and
 129 welfare it is necessary to provide for firesafety standards
 130 governing the construction and utilization of certain buildings
 131 and structures. The Legislature further determines that certain
 132 buildings or structures, due to their specialized use or to the
 133 special characteristics of the person utilizing or occupying
 134 these buildings or structures, should be subject to firesafety
 135 standards reflecting these special needs as may be appropriate.

136 (1) The department shall establish uniform firesafety
 137 standards that apply to:

138 (b) All new, existing, and proposed hospitals, nursing
 139 homes, assisted living facilities, adult family-care homes,
 140 correctional facilities, public schools, transient public

141 lodging establishments, public food service establishments,
 142 elevators, migrant labor camps, mobile home parks, lodging
 143 parks, recreational vehicle parks, recreational camps,
 144 residential and nonresidential child care facilities, facilities
 145 for the developmentally disabled, motion picture and television
 146 special effects productions, ~~and~~ self-service gasoline stations,
 147 and tunnels, of which standards the State Fire Marshal is the
 148 final administrative interpreting authority.

149
 150 In the event there is a dispute between the owners of the
 151 buildings specified in paragraph (b) and a local authority
 152 requiring a more stringent uniform firesafety standard for
 153 sprinkler systems, the State Fire Marshal shall be the final
 154 administrative interpreting authority and the State Fire
 155 Marshal's interpretation regarding the uniform firesafety
 156 standards shall be considered final agency action.

157 Section 4. Section 633.0221, Florida Statutes, is created
 158 to read:

159 633.0221 Firesafety in educational facilities.--

160 (1) UNIFORM FIRESAFETY STANDARDS.--The State Fire Marshal,
 161 in consultation with the Department of Education, shall adopt
 162 uniform firesafety standards for educational and ancillary
 163 plants and educational facilities, as provided in s.
 164 633.022(1)(b), and a firesafety evaluation system to be used as
 165 an alternate firesafety inspection standard for existing
 166 educational and ancillary plants and educational facilities. The
 167 uniform firesafety standards and the alternate firesafety
 168 evaluation system shall be administered and enforced by local

169 fire officials. These standards shall be used by all public
 170 agencies when inspecting public educational and ancillary
 171 plants, and the firesafety standards shall be used by local fire
 172 officials when performing firesafety inspections of public
 173 educational and ancillary plants and educational facilities.

174 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
 175 BOARDS.--

176 (a) Firesafety inspections of each educational and
 177 ancillary plant shall be made annually by persons certified by
 178 the Division of State Fire Marshal to be eligible to conduct
 179 firesafety inspections in public educational and ancillary
 180 plants. The board shall submit a copy of the firesafety
 181 inspection report to the State Fire Marshal and, if there is a
 182 local fire official who conducts firesafety inspections, to the
 183 local fire official.

184 (b) In each firesafety inspection report, the board shall
 185 include a plan of action and a schedule for the correction of
 186 each deficiency which have been formulated in consultation with
 187 the local fire control authority. If immediate life-threatening
 188 deficiencies are noted in any inspection, the board shall take
 189 action to promptly correct the deficiencies or withdraw the
 190 educational or ancillary plant from use until such time as the
 191 deficiencies are corrected.

192 (3) INSPECTION OF EDUCATIONAL PROPERTY BY THE STATE FIRE
 193 MARSHAL.--

194 (a) One firesafety inspection of each educational or
 195 ancillary plant must be conducted each fiscal year by the
 196 county, municipality, or special fire control district in which

197 the plant is located using the standards adopted by the State
 198 Fire Marshal. The board shall cooperate with the inspecting
 199 authority when a firesafety inspection is made by a governmental
 200 authority under this paragraph.

201 (b) In each firesafety inspection report, the local fire
 202 official, in conjunction with the board, shall include a plan of
 203 action and a schedule for the correction of each deficiency. If
 204 immediate life-threatening deficiencies are noted in any
 205 inspection, the local fire official shall take action to require
 206 the board to promptly correct the deficiencies or withdraw the
 207 educational facility from use until the deficiencies are
 208 corrected, subject to review by the State Fire Marshal, who
 209 shall act within 10 days to ensure that the deficiencies are
 210 corrected or withdraw the facility from use.

211 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 212 FACILITIES.--

213 (a) Firesafety inspections of community college facilities
 214 shall comply with the applicable rules of the State Fire
 215 Marshal.

216 (b) Firesafety inspections of state universities shall
 217 comply with rules of the State Fire Marshal related to state-
 218 owned buildings.

219 (5) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
 220 failure of the board to take corrective action within the time
 221 designated in the plan of action to correct any firesafety
 222 deficiency noted under paragraph (2)(b) or paragraph (3)(b), the
 223 local fire official shall immediately report the deficiency to
 224 the State Fire Marshal, who shall have enforcement authority

225 with respect to educational and ancillary plants and educational
 226 facilities as provided in this chapter for a violation or
 227 deficiency of any other building, structure, or facility.

228 (6) ADDITIONAL STANDARDS.--In addition to any other rules
 229 adopted under this section or s. 633.022, the State Fire
 230 Marshal, in consultation with the Department of Education, shall
 231 adopt and administer rules prescribing the following standards
 232 for the safety and health of occupants of educational and
 233 ancillary plants:

234 (a) The designation of serious life-threatening hazards,
 235 including, but not limited to, nonfunctional fire alarm systems,
 236 nonfunctional fire sprinkler systems, doors with padlocks or
 237 other locks or devices that preclude egress at any time,
 238 inadequate exits, hazardous electrical system conditions,
 239 potential structural failure, and storage conditions that create
 240 a fire hazard.

241 (b) The proper placement of functional smoke and heat
 242 detectors and accessible, unexpired fire extinguishers.

243 (c) The maintenance of fire doors without doorstops or
 244 wedges improperly holding them open.

245 Section 5. Section 633.03, Florida Statutes, is amended to
 246 read:

247 633.03 Investigation of fires and explosions ~~fire~~;
 248 reports.--The State Fire Marshal shall investigate the cause,
 249 origin, and circumstances of every fire or explosion occurring
 250 in this state wherein the State Fire Marshal deems an
 251 investigation is necessary and ~~property has been damaged or~~
 252 ~~destroyed~~ where there is probable cause to believe that the fire

253 or explosion was the result of carelessness or design. Report of
 254 all such investigations shall be made on approved forms to be
 255 furnished by the State Fire Marshal ~~fire marshal~~.

256 Section 6. Section 633.081, Florida Statutes, is amended
 257 to read:

258 633.081 Inspection of buildings and equipment; orders;
 259 firesafety inspection training requirements; certification;
 260 disciplinary action.--The State Fire Marshal and her or his
 261 agents may ~~shall~~, at any reasonable hour, when the department
 262 has reasonable cause to believe that a violation of this chapter
 263 or s. 509.215, or a rule promulgated thereunder, or a minimum
 264 firesafety code adopted by the State Fire Marshal or a local
 265 authority, may exist, inspect any and all buildings and
 266 structures which are subject to the requirements of this chapter
 267 or s. 509.215 and rules promulgated thereunder. The authority to
 268 inspect shall extend to all equipment, vehicles, and chemicals
 269 which are located on or within the premises of any such building
 270 or structure.

271 (1) Each county, municipality, and special district that
 272 has firesafety enforcement responsibilities shall employ or
 273 contract with a firesafety inspector. The firesafety inspector
 274 must conduct all firesafety inspections that are required by
 275 law. The governing body of a county, municipality, or special
 276 district that has firesafety enforcement responsibilities may
 277 provide a schedule of fees to pay only the costs of inspections
 278 conducted pursuant to this subsection and related administrative
 279 expenses. Two or more counties, municipalities, or special

280 districts that have firesafety enforcement responsibilities may
 281 jointly employ or contract with a firesafety inspector.

282 (2) Every firesafety inspection conducted pursuant to
 283 state or local firesafety requirements shall be by a person
 284 certified as having met the inspection training requirements set
 285 by the State Fire Marshal. Such person shall:

286 (a) Be a high school graduate or the equivalent as
 287 determined by the department;

288 (b) Not have been found guilty of, or having pleaded
 289 guilty or nolo contendere to, a felony or a crime punishable by
 290 imprisonment of 1 year or more under the law of the United
 291 States, or of any state thereof, which involves moral turpitude,
 292 without regard to whether a judgment of conviction has been
 293 entered by the court having jurisdiction of such cases;

294 (c) Have her or his fingerprints on file with the
 295 department or with an agency designated by the department;

296 (d) Have good moral character as determined by the
 297 department;

298 (e) Be at least 18 years of age;

299 (f) Have satisfactorily completed the firesafety inspector
 300 certification examination as prescribed by the department; and

301 (g)1. Have satisfactorily completed, as determined by the
 302 department, a firesafety inspector training program of not less
 303 than 200 hours established by the department and administered by
 304 agencies and institutions approved by the department for the
 305 purpose of providing basic certification training for firesafety
 306 inspectors; or

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307 2. Have received in another state training which is
308 determined by the department to be at least equivalent to that
309 required by the department for approved firesafety inspector
310 education and training programs in this state.

311 (3)(a)1. Effective July 1, 2011, the classification of
312 special state firesafety inspector is abolished and all special
313 state firesafety inspector certifications expire at midnight
314 June 30, 2011.

315 2. Any person who is a special state firesafety inspector
316 on June 30, 2011, and who has failed to comply with paragraph
317 (b) or paragraph (c) shall not be permitted to perform any
318 firesafety inspection required by law.

319 3. A special state firesafety inspector certification may
320 not be awarded after June 30, 2008.

321 (b)1. Any person who is a special state firesafety
322 inspector on July 1, 2008, and who has at least 5 years'
323 experience as a special state firesafety inspector as of July 1,
324 2008, may take the same firesafety inspection examination as
325 provided in paragraph (2)(f) for firesafety inspectors prior to
326 July 1, 2011, to be certified as a firesafety inspector
327 described in subsection (2).

328 2. Upon passing the examination, such person shall be
329 certified as a firesafety inspector as provided in subsection
330 (2).

331 3. Failure to obtain certification requires compliance
332 with paragraph (c) to be certified as a firesafety inspector as
333 provided in subsection (2).

334 (c)1. To be certified as a firesafety inspector as
335 provided in subsection (2), any person who:

336 a. Is a special state firesafety inspector on July 1,
337 2008, and who does not have 5 years' experience as a special
338 state firesafety inspector as of July 1, 2008; or

339 b. Has 5 years' experience as a special state firesafety
340 inspector but has failed the examination taken pursuant to
341 paragraph (b),

342
343 must take an additional 80 hours of the courses described in
344 paragraph (2)(g).

345 2. After successfully completing the courses described in
346 this paragraph, such person is permitted to take the firesafety
347 inspection examination described in paragraph (2)(f), provided
348 such examination is taken prior to July 1, 2011.

349 3. Upon passing the examination, such person shall become
350 certified as a firesafety inspector as provided in subsection
351 (2).

352 4. A person who fails the course of study or the
353 examination described in this paragraph may not perform any
354 firesafety inspection required by law on or after July 1, 2011.

355 ~~Each special state firesafety inspection which is required by~~
356 ~~law and is conducted by or on behalf of an agency of the state~~
357 ~~must be performed by an individual who has met the provision of~~
358 ~~subsection (2), except that the duration of the training program~~
359 ~~shall not exceed 120 hours of specific training for the type of~~
360 ~~property that such special state firesafety inspectors are~~
361 ~~assigned to inspect.~~

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362 (4) A firefighter certified pursuant to s. 633.35 may
363 conduct firesafety inspections, under the supervision of a
364 certified firesafety inspector, while on duty as a member of a
365 fire department company conducting inservice firesafety
366 inspections without being certified as a firesafety inspector,
367 if such firefighter has satisfactorily completed an inservice
368 fire department company inspector training program of at least
369 24 hours' duration as provided by rule of the department.

370 (5) Every firesafety inspector ~~or special state firesafety~~
371 ~~inspector~~ certificate is valid for a period of 3 years from the
372 date of issuance. Renewal of certification shall be subject to
373 the affected person's completing proper application for renewal
374 and meeting all of the requirements for renewal as established
375 under this chapter or by rule adopted ~~promulgated~~ thereunder,
376 which shall include completion of at least 40 hours during the
377 preceding 3-year period of continuing education as required by
378 the rule of the department or, in lieu thereof, successful
379 passage of an examination as established by the department.

380 (6) The State Fire Marshal may deny, refuse to renew,
381 suspend, or revoke the certificate of a firesafety inspector ~~or~~
382 ~~special state firesafety inspector~~ if it finds that any of the
383 following grounds exist:

384 (a) Any cause for which issuance of a certificate could
385 have been refused had it then existed and been known to the
386 State Fire Marshal.

387 (b) Violation of this chapter or any rule or order of the
388 State Fire Marshal.

389 (c) Falsification of records relating to the certificate.

390 (d) Having been found guilty of or having pleaded guilty
 391 or nolo contendere to a felony, whether or not a judgment of
 392 conviction has been entered.

393 (e) Failure to meet any of the renewal requirements.

394 (f) Having been convicted of a crime in any jurisdiction
 395 which directly relates to the practice of fire code inspection,
 396 plan review, or administration.

397 (g) Making or filing a report or record that the
 398 certificateholder knows to be false, or knowingly inducing
 399 another to file a false report or record, or knowingly failing
 400 to file a report or record required by state or local law, or
 401 knowingly impeding or obstructing such filing, or knowingly
 402 inducing another person to impede or obstruct such filing.

403 (h) Failing to properly enforce applicable fire codes or
 404 permit requirements within this state which the
 405 certificateholder knows are applicable by committing willful
 406 misconduct, gross negligence, gross misconduct, repeated
 407 negligence, or negligence resulting in a significant danger to
 408 life or property.

409 (i) Accepting labor, services, or materials at no charge
 410 or at a noncompetitive rate from any person who performs work
 411 that is under the enforcement authority of the certificateholder
 412 and who is not an immediate family member of the
 413 certificateholder. For the purpose of this paragraph, the term
 414 "immediate family member" means a spouse, child, parent,
 415 sibling, grandparent, aunt, uncle, or first cousin of the person
 416 or the person's spouse or any person who resides in the primary
 417 residence of the certificateholder.

418 (7) The department shall provide by rule for the
 419 certification of firesafety inspectors.

420 (8) The State Fire Marshal may develop by rule an advanced
 421 training and certification program for firesafety inspectors
 422 with fire code management responsibility. This program shall be
 423 consistent with national standards. The program shall establish
 424 minimum training, education, and experience levels for fire
 425 safety inspectors with fire code management responsibilities.

426 (9) The Division of State Fire Marshal may enter into a
 427 reciprocity agreement with the Florida Building Code
 428 Administrators and Inspectors Board, established pursuant to s.
 429 468.605, to facilitate joint recognition of continuing education
 430 recertification hours for certificateholders licensed in
 431 accordance with s. 468.609 and firesafety inspectors certified
 432 in accordance with subsection (2).

433 Section 7. Paragraph (a) of subsection (1) and subsections
 434 (2), (3), and (4) of section 633.085, Florida Statutes, are
 435 amended to read:

436 633.085 Inspections of state buildings and premises; tests
 437 of firesafety equipment; building plans to be approved.--

438 (1)(a) It is the duty of the State Fire Marshal and her or
 439 his agents to inspect, or cause to be inspected, each state-
 440 owned building and each building located on land owned by the
 441 state and used primarily for state purposes as determined by the
 442 State Fire Marshal, such buildings to be referred to in this
 443 section as a state-owned building or state-owned buildings, on a
 444 recurring basis established by rule, and to ensure that high-
 445 hazard occupancies are inspected at least annually, for the

446 | purpose of ascertaining and causing to be corrected any
447 | conditions liable to cause fire or endanger life from fire and
448 | any violation of the firesafety standards for state-owned
449 | buildings, the provisions of this chapter, or the rules or
450 | regulations adopted and promulgated pursuant hereto. The State
451 | Fire Marshal shall, within 7 days following an inspection,
452 | submit a report of such inspection to the head of the department
453 | of state government responsible for the building.

454 | (2) The State Fire Marshal and her or his agents may ~~shall~~
455 | conduct performance tests on any electronic fire warning and
456 | smoke detection system, and any pressurized air-handling unit,
457 | in any state-owned building or state-leased space on a recurring
458 | basis as provided in subsection (1). The State Fire Marshal and
459 | her or his agents shall also ensure that fire drills are
460 | conducted in all high hazard state-owned buildings or high
461 | hazard state-leased ~~high-hazard~~ occupancies at least annually.

462 | (3) All construction of any new, or renovation,
463 | alteration, or change of occupancy of any existing, state-owned
464 | building or state-leased space shall comply with the uniform
465 | firesafety standards of the State Fire Marshal.

466 | (a) For all new construction or renovation, alteration, or
467 | change of occupancy of state-leased space, compliance with the
468 | uniform firesafety standards shall be determined by reviewing
469 | the plans for the proposed construction or occupancy submitted
470 | by the lessor to the Division of State Fire Marshal for review
471 | and approval prior to commencement of construction or occupancy,
472 | which review shall be completed within 10 working days after
473 | receipt of the plans by the Division of State Fire Marshal.

474 (b) The plans for all construction of any new, or
 475 renovation or alteration of any existing, state-owned building
 476 are subject to the review and approval of the Division of State
 477 Fire Marshal for compliance with the uniform firesafety
 478 standards prior to commencement of construction or change of
 479 occupancy, which review shall be completed within 30 calendar
 480 days of receipt of the plans by the Division of State Fire
 481 Marshal.

482 (4) The Division of State Fire Marshal may inspect state-
 483 owned buildings and space and state-leased space as necessary
 484 prior to occupancy or during construction, renovation, or
 485 alteration to ascertain compliance with the uniform firesafety
 486 standards. Whenever the Division of State Fire Marshal
 487 determines by virtue of such inspection or by review of plans
 488 that construction, renovation, or alteration of state-owned
 489 buildings and state-leased space is not in compliance with the
 490 uniform firesafety standards, the Division of State Fire Marshal
 491 shall issue an order to cease construction, renovation, or
 492 alteration, or to preclude occupancy, of a building until
 493 compliance is obtained, except for those activities required to
 494 achieve such compliance.

495 Section 8. Section 633.101, Florida Statutes, is amended
 496 to read:

497 633.101 Hearings; investigations; investigatory powers of
 498 State Fire Marshal; costs of service and witness fees.--

499 (1) The State Fire Marshal may in his or her discretion
 500 take or cause to be taken the testimony on oath of all persons
 501 whom he or she believes to be cognizant of any facts in relation

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502 to matters under investigation. The State Fire Marshal may
503 administer oaths and affirmations, request the attendance of
504 witnesses or proffering of matter, and collect evidence.

505 (2) If the State Fire Marshal seeks to obtain by request
506 any matter that or the testimony of any person who is located
507 outside the state, the person requested shall provide the
508 testimony to the State Fire Marshal or make the matter available
509 to the State Fire Marshal to examine at the place where the
510 matter is located. The State Fire Marshal may designate
511 representatives, including officials of the state in which the
512 matter is located, to inspect the matter on behalf of the State
513 Fire Marshal, and the State Fire Marshal may respond to similar
514 requests from officials of other states.

515 (3) (a) The State Fire Marshal may request that an
516 individual who refuses to comply with any request made under
517 subsection (2) be ordered by the circuit court to provide the
518 testimony or matter. The court shall not order such compliance
519 unless the State Fire Marshal has demonstrated to the
520 satisfaction of the court that the testimony of the witness or
521 the matter under request has a direct bearing on matter under
522 the jurisdiction of the State Fire Marshal, constitutes a felony
523 or misdemeanor under this chapter, the Florida Insurance Code,
524 or a fraudulent insurance act, or is pertinent and necessary to
525 further such investigation.

526 (b) Except in a prosecution for perjury, an individual who
527 complies with a court order to provide testimony or matter after
528 asserting a privilege against self-incrimination to which the
529 individual is entitled by law may not be subjected to a criminal

530 proceeding or to a civil penalty with respect to the act
531 concerning which the individual is required to testify or
532 produce relevant matter.

533 (c) In the absence of fraud or bad faith, a person is not
534 subject to civil liability for libel, slander, or any other
535 relevant tort by virtue of filing reports, without malice, or
536 furnishing other information, without malice, required by this
537 chapter or required by the State Fire Marshal under the
538 authority granted in this chapter, and no civil cause of action
539 of any nature shall arise against such person for:

540 1. Any information relating to a matter under the
541 jurisdiction of the State Fire Marshal, suspected violations of
542 the Florida Insurance Code, or fraudulent insurance acts or
543 persons suspected of engaging in such acts furnished to or
544 received from law enforcement officials or their agents or
545 employees;

546 2. Any information relating to any matter under the
547 jurisdiction of the State Fire Marshal, suspected violations of
548 the Florida Insurance Code, fraudulent insurance acts or persons
549 suspected of engaging in such acts furnished to or received from
550 other persons subject to the provisions of this chapter:

551 3. Any such information furnished in reports to the State
552 Fire Marshal or any local, state, or federal enforcement
553 officials or their agents or employees; or

554 4. Other actions taken in cooperation with any of the
555 agencies or individuals specified in this paragraph in the
556 lawful investigation of violations under the jurisdiction of the

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557 State Fire Marshal, suspected violations of the Florida
558 Insurance Code, or suspected fraudulent insurance acts.

559 (d) In addition to the immunity granted in paragraph (c),
560 persons identified as designated employees whose
561 responsibilities include the investigation and disposition of
562 violations under the jurisdiction of the State Fire Marshal or
563 the Florida Insurance Code and claims relating to suspected
564 fraudulent insurance acts may share information relating to
565 persons suspected of such acts with other designated employees
566 employed by the same or other insurers whose responsibilities
567 include such acts, provided the State Fire Marshal has been
568 given written notice of the names and job titles of such
569 designated employees prior to such designated employees sharing
570 information. Unless the designated employees of the insurer act
571 in bad faith or in reckless disregard for the rights of any
572 insured, the insurer or its designated employees are not civilly
573 liable for libel, slander, or any other relevant tort, and a
574 civil action does not arise against the insurer or its
575 designated employees for:

576 1. Any information related to any matter under the
577 jurisdiction of the State Fire Marshal, the Florida Insurance
578 Code, or suspected fraudulent insurance acts provided to an
579 insurer; or

580 2. Any information relating to any matter under the
581 jurisdiction of the State Fire Marshal, the Florida Insurance
582 Code, or suspected fraudulent insurance acts provided to the
583 National Insurance Crime Bureau or the National Association of
584 Insurance Commissioners.

585
586 However, the qualified immunity against civil liability
587 conferred on any insurer or its designated employees shall be
588 forfeited with respect to the exchange or publication of any
589 defamatory information with third persons not expressly
590 authorized by this paragraph to share in such information.

591 (e) The State Fire Marshal and any employee or agent of
592 the department, when acting without malice and in the absence of
593 fraud or bad faith, is not subject to civil liability for libel,
594 slander, or any other relevant tort, and no civil cause of
595 action of any nature exists against such person by virtue of the
596 execution of official activities or duties of the State Fire
597 Marshal or by virtue of the publication of any report or
598 bulletin related to the official activities or duties of the
599 State Fire Marshal under this chapter.

600 (f) This section does not abrogate or modify in any way
601 any common-law or statutory privilege or immunity otherwise
602 enjoyed by any person.

603 (5) (a) Papers, documents, reports, or evidence relative to
604 the subject of an investigation under this section shall not be
605 subject to discovery until the investigation is completed or
606 ceases to be active. Agents of the State Fire Marshal shall not
607 be subject to subpoena in civil actions by any court of this
608 state to testify concerning any matter of which they have
609 knowledge pursuant to a pending investigation by the State Fire
610 Marshal.

611 (b) Physical evidence that is not capable of being copied
612 or reproduced shall not constitute a public record and shall be

613 disposed of in accordance with s. 705.105. During the pendency
614 of an active investigation, physical evidence shall not be
615 subject to subpoena until the investigation is completed or
616 ceases to be active, unless the State Fire Marshal consents to
617 release of the physical evidence.

618 (6) Any person, other than an insurer, agent, or other
619 person licensed under the Florida Insurance Code, or an employee
620 of such licensee, having knowledge or a belief that a crime
621 involving arson, a destructive device, a fraudulent insurance
622 act, or any other act or practice which, upon conviction,
623 constitutes a felony or a misdemeanor under this chapter, the
624 Florida Insurance Code, or s. 817.233 is being or has been
625 committed may submit to the State Fire Marshal a report or
626 information pertinent to such knowledge or belief and such
627 additional information relative to such knowledge or belief as
628 the State Fire Marshal may request. Any insurer, agent, or other
629 person licensed under the Florida Insurance Code, or an employee
630 of such licensee, having knowledge or believes belief that a
631 fraudulent insurance act or any other act or practice which,
632 upon conviction, constitutes a felony or a misdemeanor under
633 this chapter, the Florida Insurance Code, or s. 817.233 is being
634 or has been committed shall send to the State Fire Marshal a
635 report or information pertinent to such knowledge or belief and
636 such additional information relative to such knowledge or belief
637 as the State Fire Marshal may require. The State Fire Marshal
638 shall review such information or reports and select such
639 information or reports as, in his or her judgment, may require
640 further investigation. The State Fire Marshal shall then cause

641 an independent examination of the facts surrounding such
642 information or report to be made to determine the extent, if
643 any, to which a crime involving arson, a destructive device, or
644 a fraudulent insurance act or any other act or practice which,
645 upon conviction, constitutes a felony or a misdemeanor under
646 this chapter, the Florida Insurance Code, or s. 817.233 is being
647 or has been committed. The State Fire Marshal shall report any
648 alleged violations of law which his or her investigations reveal
649 to the appropriate licensing agency and state attorney or other
650 prosecuting agency having jurisdiction with respect to any such
651 violation. If prosecution by the state attorney or other
652 prosecuting agency having jurisdiction with respect to such
653 violation is not begun within 60 days after such report by the
654 State Fire Marshal, the state attorney or other prosecuting
655 agency having jurisdiction with respect to such violation shall
656 inform the State Fire Marshal of the reasons for the lack of
657 prosecution.

658 (7) Each agent of the State Fire Marshal may make arrests
659 for criminal violations established as a result of an
660 investigation and are considered state law enforcement officers
661 for all purposes and may execute arrest warrants and search
662 warrants; may serve subpoenas issued for the examination,
663 investigation, and trial of all offenses; and may arrest upon
664 probable cause without warrant any person found engaging in any
665 act constituting a felony or misdemeanor under this chapter, the
666 Florida Insurance Code, or s. 817.233. Each agent of the State
667 Fire Marshal may make arrests under this section and may bear
668 arms in the performance of his or her duties. In such

669 situations, the agent of the State Fire Marshal must be
 670 certified in compliance with the provisions of s. 943.1395 or
 671 must meet the temporary employment or appointment exemption
 672 requirements of s. 943.131 until certified.

673 (8) It is unlawful for any person to resist an arrest by
 674 an agent of the State Fire Marshal authorized by this section or
 675 in any manner to interfere, by abetting or assisting such
 676 resistance or otherwise interfering, with any Division of State
 677 Fire Marshal investigator in the duties imposed upon such agent
 678 or investigator by law or department rule.

679 ~~(2) If the State Fire Marshal shall be of the opinion that~~
 680 ~~there is sufficient evidence to charge any person with an~~
 681 ~~offense, he or she shall cause the arrest of such person and~~
 682 ~~shall furnish to the prosecuting officer of any court having~~
 683 ~~jurisdiction of said offense all information obtained by him or~~
 684 ~~her, including a copy of all pertinent and material testimony~~
 685 ~~taken, together with the names and addresses of all witnesses.~~
 686 ~~In the conduct of such investigations, the fire marshal may~~
 687 ~~request such assistance as may reasonably be given by such~~
 688 ~~prosecuting officers and other local officials.~~

689 ~~(3) The fire marshal may summon and compel the attendance~~
 690 ~~of witnesses before him or her to testify in relation to any~~
 691 ~~manner which is, by the provisions of this chapter, a subject of~~
 692 ~~inquiry and investigation, and he or she may require the~~
 693 ~~production of any book, paper or document deemed pertinent~~
 694 ~~thereto by him or her, and may seize furniture and other~~
 695 ~~personal property to be held for evidence.~~

696 ~~(4) All persons so summoned and so testifying shall be~~
 697 ~~entitled to the same witness fees and mileage as provided for~~
 698 ~~witnesses testifying in the circuit courts of this state, and~~
 699 ~~officers serving subpoenas or orders of the fire marshal shall~~
 700 ~~be paid in like manner for like services in such courts, from~~
 701 ~~the funds herein provided.~~

702 Section 9. Section 633.121, Florida Statutes, is amended
 703 to read:

704 633.121 Persons authorized to enforce laws and rules of
 705 State Fire Marshal.--The chiefs of county, municipal, and
 706 special-district fire departments; other fire department
 707 personnel designated by their respective chiefs; ~~and~~ personnel
 708 designated by local governments having no organized fire
 709 departments; and all law enforcement officers in the state duly
 710 certified under chapter 943 may ~~are authorized to~~ enforce this
 711 chapter law and all rules adopted ~~prescribed~~ by the State Fire
 712 Marshal within their respective jurisdictions. Such personnel
 713 acting under the authority of this section shall be deemed to be
 714 agents of their respective jurisdictions, not agents of the
 715 State Fire Marshal.

716 Section 10. Section 633.13, Florida Statutes, is amended
 717 to read:

718 633.13 State Fire Marshal; authority of agents.--The
 719 authority given the State Fire Marshal under this chapter or any
 720 rule or order adopted by the State Fire Marshal law may be
 721 exercised by his or her agents, either individually or in
 722 conjunction with any other state or local official charged with
 723 similar responsibilities.

724 Section 11. Section 633.145, Florida Statutes, is created
725 to read:

726 633.145 Arson and Destructive Device Reward Program.--

727 (1) The Arson and Destructive Device Reward Program is
728 established within the department, to be funded from the
729 Insurance Regulatory Trust Fund.

730 (2) The department may pay rewards of up to \$25,000 to
731 persons providing information leading to the arrest and
732 conviction of persons committing crimes involving arson and
733 destructive devices investigated by the Bureau of Fire and Arson
734 Investigations arising from violations of s. 790.161, s.
735 790.1615, s. 790.162, s. 790.163, s. 790.164, s. 790.166, s.
736 806.01, s. 806.031, s. 806.10, s. 806.111, or s. 817.233.

737 (3) Only a single reward amount may be paid by the
738 department for claims arising out of the same transaction or
739 occurrence, regardless of the number of persons arrested and
740 convicted and the number of persons submitting claims for the
741 reward. The reward may be disbursed among more than one person
742 in amounts as determined by the department.

743 (4) The department shall adopt rules, including any
744 necessary forms, which set forth the application and approval
745 process, including the criteria against which claims shall be
746 evaluated, the basis for determining specific reward amounts,
747 and the manner in which rewards shall be disbursed. Applications
748 for rewards authorized by this section must be made pursuant to
749 rules adopted by the department.

750 (5) Determinations by the department to grant or deny a
751 reward under this section are discretionary on the part of the

752 department and are final. Such determinations are not agency
753 actions subject to review under s. 120.569 or s. 120.57 and are
754 not final orders or appealable in any court of appeal.

755 Section 12. Subsections (1) and (3) of section 633.161,
756 Florida Statutes, are amended to read:

757 633.161 Violations; orders to cease and desist, correct
758 hazardous conditions, preclude occupancy, or vacate;
759 enforcement; penalties.--

760 (1) If it is determined by the department that a violation
761 specified in this subsection exists, the State Fire Marshal or
762 her or his deputy may issue and deliver to the person committing
763 the violation an order to cease and desist from such violation,
764 to correct any hazardous condition, to preclude occupancy of the
765 affected building or structure, or to vacate the premises of the
766 affected building or structure. Such violations consist of ~~are~~:

767 (a) Except as set forth in paragraph (b), a violation of
768 any provision of this chapter, of any rule adopted pursuant
769 thereto, of any applicable uniform firesafety standard adopted
770 pursuant to s. 633.022 which is not adequately addressed by any
771 alternative requirements adopted on a local level, or of any
772 minimum firesafety standard adopted pursuant to s. 394.879.

773 (b) A substantial violation of an applicable minimum
774 firesafety standard adopted pursuant to s. 633.025 which is not
775 reasonably addressed by any alternative requirement imposed at
776 the local level, or an unreasonable interpretation of an
777 applicable minimum firesafety standard, and which violation or
778 interpretation clearly constitutes a danger to lifesafety.

779 (c) A building or structure which is in a dilapidated
 780 condition and as a result thereof creates a danger to life,
 781 safety, or property.

782 (d) A building or structure which contains explosive
 783 matter or flammable liquids or gases constituting a danger to
 784 life, safety, or property.

785 (e) A fire department that is not operated by or under
 786 contract with a political subdivision as defined in s. 1.01.

787 (3) Any person who violates or fails to comply with any
 788 order under subsection (1) or subsection (2) commits is guilty
 789 ~~of~~ a misdemeanor, punishable as provided in s. 633.171.

790 Section 13. Subsection (1) of section 633.171, Florida
 791 Statutes, is amended to read:

792 633.171 Penalty for violation of law, rule, or order to
 793 cease and desist or for failure to comply with corrective
 794 order.--

795 (1) Any person who violates any provision of this chapter
 796 ~~law~~, any order or rule of the State Fire Marshal, or any order
 797 to cease and desist or to correct conditions issued under this
 798 chapter commits a misdemeanor of the second degree, punishable
 799 as provided in s. 775.082 or s. 775.083.

800 Section 14. Subsection (1) of section 633.175, Florida
 801 Statutes, is amended, subsection (9) of that section is
 802 renumbered as subsection (10), and a new subsection (9) is added
 803 to that section, to read:

804 633.175 Investigation of fraudulent insurance claims and
 805 crimes; immunity of insurance companies supplying information.--

806 (1) In addition to the other powers granted by this
807 chapter, the State Fire Marshal or an agent appointed pursuant
808 to s. 633.02, any law enforcement officer as defined in s.
809 111.065, any law enforcement officer of a federal agency, or any
810 fire department official who is engaged in the investigation of
811 a fire loss may request any insurance company or its agent,
812 adjuster, employee, or attorney, investigating a claim under an
813 insurance policy or contract with respect to a fire to release
814 any information whatsoever in the possession of the insurance
815 company or its agent, adjuster, employee, or attorney relative
816 to a loss from that fire. The insurance company shall release
817 the available information to and cooperate with any official
818 authorized to request such information pursuant to this section.
819 The information shall include, but shall not be limited to:

820 (a) Any insurance policy relevant to a loss under
821 investigation and any application for such a policy.

822 (b) Any policy premium payment records.

823 (c) The records, reports, and all material pertaining to
824 any previous claims made by the insured with the reporting
825 company.

826 (d) Material relating to the investigation of the loss,
827 including statements of any person, proof of loss, and other
828 relevant evidence.

829 (e) Memoranda, notes, and correspondence relating to the
830 investigation of the loss in the possession of the insurance
831 company or its agents, adjusters, employees, or attorneys.

832 (9) For the purposes of this section, a person commits a
833 fraudulent insurance act if the person knowingly and with intent

834 to defraud presents, causes to be presented, or prepares with
 835 knowledge or belief that it will be presented, to or by an
 836 insurer, self-insurer, self-insurance fund, servicing
 837 corporation, purported insurer, or broker, or any agent of such
 838 an entity, any written statement as part of, or in support of,
 839 an application for the issuance of, or the rating of, any
 840 insurance policy, or a claim for payment or other benefit
 841 pursuant to any insurance policy, which the person knows to
 842 contain materially false information concerning any fact
 843 material to such statement or claim or if the person conceals,
 844 for the purpose of misleading another, information concerning
 845 any fact material to such statement or claim.

846 (10)-(9) Any person who willfully violates the provisions
 847 of this section is guilty of a misdemeanor of the first degree,
 848 punishable as provided in s. 775.082 or s. 775.083.

849 Section 15. Section 633.18, Florida Statutes, is amended
 850 to read:

851 633.18 State Fire Marshal; hearings and investigations;
 852 subpoena of witnesses; orders of circuit court.--Any agent
 853 designated by the State Fire Marshal for such purposes, may hold
 854 hearings, sign and issue subpoenas, administer oaths, examine
 855 witnesses, receive evidence, and require by subpoena the
 856 attendance and testimony of witnesses and the production of such
 857 accounts, records, memoranda or other evidence, as may be
 858 material for the determination of any complaint or conducting
 859 any inquiry or investigation under this chapter or any rule or
 860 order of the State Fire Marshal law. In case of disobedience to
 861 a subpoena, the State Fire Marshal or his or her agent may

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862 invoke the aid of any court of competent jurisdiction in
863 requiring the attendance and testimony of witnesses and the
864 production of accounts, records, memoranda or other evidence and
865 any such court may in case of contumacy or refusal to obey a
866 subpoena issued to any person, issue an order requiring the
867 person to appear before the State Fire Marshal's agent or
868 produce accounts, records, memoranda or other evidence, as so
869 ordered, or to give evidence touching any matter pertinent to
870 any complaint or the subject of any inquiry or investigation,
871 and any failure to obey such order of the court shall be
872 punished by the court as a contempt thereof.

873 Section 16. Section 633.30, Florida Statutes, is amended
874 to read:

875 633.30 Standards for firefighting; definitions.--As used
876 in this chapter, the term:

877 (1) "Apprentice firefighter" means any high school student
878 who completes a high school course of instruction and
879 examination approved by the department that includes specified
880 components of firefighter I and II certification in accordance
881 with the division's rules. Prior to the person's 18th birthday,
882 an apprentice firefighter may function as a fireground resource
883 technician with a recognized fire department. Upon the
884 apprentice firefighter's 18th birthday and graduation from high
885 school, the apprentice firefighter may complete the outstanding
886 components of firefighter I and II certification training and
887 become certified at level II in accordance with the division's
888 rules.

889 (2) "Career firefighter" means a person who is compensated
 890 at an hourly or salaried rate and whose work hours are scheduled
 891 in advance to maintain a schedule of coverage at a station,
 892 facility, or area to function as described in subsection (8).

893 ~~(3)(4)~~ "Council" means the Firefighters Employment,
 894 Standards, and Training Council.

895 ~~(4)(3)~~ "Department" means the Department of Financial
 896 Services.

897 ~~(5)(5)~~ "Division" means the Division of State Fire Marshal
 898 of the Department of Financial Services.

899 ~~(6)(2)~~ "Employing agency" means any municipality or
 900 county, the state, or any political subdivision of the state,
 901 including authorities and special districts, employing
 902 firefighters ~~as defined in subsection (1).~~

903 (7) "Fire department" means an organization that responds
 904 to emergency calls for the purpose of fighting fires.

905 ~~(8)(1)~~ "Firefighter" means any person ~~initially employed~~
 906 ~~as a full time professional firefighter by any employing agency,~~
 907 ~~as defined herein,~~ whose primary responsibility is the
 908 prevention and extinguishment of fires, the protection and
 909 saving of life and property, and the enforcement of municipal,
 910 county, and state fire prevention codes, as well as of any law
 911 pertaining to the prevention and control of fires.

912 (9) "Firefighter I" means a person who has successfully
 913 completed the firefighter I training program and is certified at
 914 level I in accordance with the division's rules. Firefighter I
 915 is the minimum level of certification to function as a volunteer
 916 firefighter.

917 (10) "Firefighter II" means a person who has successfully
 918 completed the firefighter II training program and is certified
 919 at level II in accordance with the division's rules. Firefighter
 920 II is the minimum level of certification to function as a full-
 921 time career firefighter as set forth in subsection (2).

922 (11) "Fireground resource technician" means a volunteer
 923 exterior firefighter or support person who is not qualified by
 924 certification to be an interior firefighter but who has
 925 completed a course of instruction in accordance with the
 926 division's rules. Fireground resource technician is the minimum
 927 level of certification to function on the fireground in
 928 accordance with division rules.

929 Section 17. Section 633.34, Florida Statutes, is amended
 930 to read:

931 633.34 Firefighters; qualifications for employment.--

932 (1) Any person applying to an employing agency to function
 933 for employment as a firefighter must:

934 (a)(1) Be a high school graduate or the equivalent, as the
 935 term may be determined by the division, and at least 18 years of
 936 age.

937 (b)(2) Never have been adjudicated guilty of, or pled
 938 guilty or nolo contendere to, any:

939 1. Felony. If an applicant has been convicted of a felony,
 940 the applicant is not eligible for certification until the
 941 applicant complies with s. 112.011(2) (b); or

942 2. Misdemeanor involving moral turpitude, dishonest acts,
 943 or misleading or false statements relating to certification or
 944 employment as a firefighter.

945
946 If an applicant has been sentenced for any conviction of a
947 felony or a misdemeanor, the applicant is not eligible for
948 certification until 4 years after the expiration of any
949 sentence. If a sentence is suspended or adjudication is withheld
950 and a period of probation is imposed, the applicant must have
951 been released from probation. ~~Neither have been convicted of a~~
952 ~~felony or of a misdemeanor directly related to the position of~~
953 ~~employment sought, nor have pled nolo contendere to any charge~~
954 ~~of a felony. If an applicant has been convicted of a felony,~~
955 ~~such applicant must be in compliance with s. 112.011(2)(b). If~~
956 ~~an applicant has been convicted of a misdemeanor directly~~
957 ~~related to the position of employment sought, such applicant~~
958 ~~shall be excluded from employment for a period of 4 years after~~
959 ~~expiration of sentence. If the sentence is suspended or~~
960 ~~adjudication is withheld in a felony charge or in a misdemeanor~~
961 ~~directly related to the position or employment sought and a~~
962 ~~period of probation is imposed, the applicant must have been~~
963 ~~released from probation.~~

964 (c)(3) Pay for and submit fingerprints as directed by the
965 division. ~~Submit a fingerprint card to the division with a~~
966 ~~current processing fee. The fingerprints shall fingerprint card~~
967 ~~will be forwarded to the Department of Law Enforcement or and/or~~
968 ~~the Federal Bureau of Investigation or both, as directed by~~
969 division rule.

970 ~~(4) Have a good moral character as determined by~~
971 ~~investigation under procedure established by the division.~~

972 ~~(d)(5)~~ Be in good physical condition as determined by a
 973 medical examination given by a physician, surgeon, or physician
 974 assistant licensed to practice in the state pursuant to chapter
 975 458; an osteopathic physician, surgeon, or physician assistant
 976 licensed to practice in the state pursuant to chapter 459; or an
 977 advanced registered nurse practitioner licensed to practice in
 978 the state pursuant to chapter 464, who are aware of and familiar
 979 with the medical requirements for training and certification as
 980 stated in department rule. ~~Such examination may include, but~~
 981 ~~need not be limited to, provisions of the National Fire~~
 982 ~~Protection Association Standard 1582.~~ Results of this A medical
 983 examination evidencing good physical condition shall be
 984 submitted to the division, on a form as provided by rule, before
 985 an individual is eligible for admission into a firefighter
 986 training program as defined in s. 633.35.

987 ~~(e)(6)~~ Be a nonuser of tobacco or tobacco products for at
 988 least 1 year immediately preceding application, as evidenced by
 989 the sworn affidavit of the applicant.

990 (2) A person who does not hold an apprentice firefighter,
 991 fireground resource technician, firefighter I, or firefighter II
 992 certificate shall not respond or engage in hazardous operations,
 993 including, but not limited to, interior structural firefighting,
 994 hazardous-materials-incident mitigation, and incident command,
 995 requiring the knowledge and skills taught in the training
 996 programs established in s. 633.35, regardless of volunteer or
 997 employment status.

998 Section 18. Section 633.35, Florida Statutes, is amended
 999 to read:

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1000 633.35 Firefighter training and certification.--

1001 (1) The division shall establish by rule a firefighter

1002 training programs for certification as a fireground resource

1003 technician, an apprentice firefighter, a firefighter I, and a

1004 firefighter II, to be ~~program of not less than 360 hours,~~

1005 administered by such agencies and institutions as approved by

1006 the division in accordance with division rules, ~~it approves~~ for

1007 the purpose of providing ~~basic employment~~ training for

1008 firefighters. Nothing herein shall require a public employer to

1009 pay the cost of such training.

1010 (2) The division shall issue certificates ~~a certificate~~ of

1011 compliance for certification as a fireground resource

1012 technician, an apprentice firefighter, a firefighter I, and a

1013 firefighter II to any person who has satisfactorily completed

1014 ~~complying with~~ the training programs ~~program~~ established in

1015 subsection (1), who has successfully passed an examination as

1016 prescribed by the division, and who possesses the qualifications

1017 specified for employment in s. 633.34, ~~except s. 633.34(5).~~ A No

1018 person may not be employed as a career ~~regular or permanent~~

1019 firefighter by an employing agency, or by a private entity under

1020 contract with the state or any political subdivision of the

1021 state, including authorities and special districts, unless

1022 certified as a firefighter II, except for an individual hired to

1023 be trained and become certified as a firefighter II. An

1024 individual hired to be trained and become certified as a

1025 firefighter II has a maximum of, ~~for a period of time in excess~~

1026 ~~of~~ 1 year from the date of initial employment to obtain the

1027 firefighter II ~~until he or she has obtained such certificate of~~

1028 compliance. A person who does not hold a firefighter II
 1029 certificate of compliance and is employed under this section may
 1030 not directly engage in hazardous operations, such as interior
 1031 structural firefighting or ~~and~~ hazardous-materials-incident
 1032 mitigation, requiring the knowledge and skills taught in a
 1033 training program established in subsection (1), including
 1034 incident command. However, a person who is certified and has
 1035 been employed by ~~served as a volunteer firefighter with~~ the
 1036 state or any political subdivision of the state, including
 1037 authorities and special districts, who is then employed as a
 1038 career ~~regular or permanent~~ firefighter may function, during
 1039 this period, in the same capacity in which he or she acted prior
 1040 to being employed as a career firefighter ~~as a volunteer~~
 1041 ~~firefighter, provided that he or she has completed all training~~
 1042 ~~required by the volunteer organization.~~

1043 (3) The division may issue a certificate of compliance at
 1044 the firefighter I or firefighter II level to any person who has
 1045 received basic employment training for firefighters in another
 1046 state when the division has determined that such training was at
 1047 least equivalent to that required by the division for approved
 1048 firefighter education and training programs in this state and
 1049 when such person has satisfactorily complied with all other
 1050 requirements of this section. The division may also issue a
 1051 special certificate to a person who is otherwise qualified under
 1052 this section and who is employed as the administrative and
 1053 command head of a fire/rescue/emergency services organization,
 1054 based on the acknowledgment that such person is less likely to
 1055 need physical dexterity and more likely to need advanced

1056 knowledge of firefighting and supervisory skills. The
 1057 certificate is valid only while the person is serving in a
 1058 position as an administrative and command head of a
 1059 fire/rescue/emergency services organization and must be obtained
 1060 prior to employment in such capacity.

1061 (4) A person who fails an examination given under this
 1062 section may retake the examination once within 6 months after
 1063 the original examination date. An applicant who does not pass
 1064 ~~retake~~ the examination within such time must repeat or take the
 1065 applicable training program ~~Minimum Standards Course~~, pursuant
 1066 to subsection (1), before being reexamined. The division may
 1067 establish reasonable preregistration deadlines for such
 1068 reexaminations.

1069 (5) Pursuant to s. 590.02(1)(e), the division shall
 1070 establish a structural fire training program of not less than 40
 1071 hours. The division shall issue to any person satisfactorily
 1072 complying with this training program and who has successfully
 1073 passed an examination as prescribed by the division and who has
 1074 met the requirements of s. 590.02(1)(e) a Certificate of
 1075 Forestry Firefighter.

1076 (6) A certified forestry firefighter is entitled to the
 1077 same rights, privileges, and benefits provided for by law as a
 1078 certified firefighter.

1079 Section 19. Section 633.351, Florida Statutes, is amended
 1080 to read:

1081 633.351 Disciplinary action; firefighters; standards for
 1082 revocation of certification.--

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1083 (1) The certification of a firefighter shall be revoked if
 1084 evidence is found that the certification was improperly issued
 1085 by the division or if evidence is found that the certification
 1086 was issued on the basis of false, incorrect, incomplete, or
 1087 misleading information.

1088 (2) The certification of a firefighter who has been
 1089 adjudicated guilty of, or pled guilty or nolo contendere to, any
 1090 felony, or any misdemeanor involving moral turpitude, dishonest
 1091 acts, or misleading or false statements relating to the
 1092 certification or employment as a firefighter, shall be revoked.
 1093 In the case of a felony, the certification may not be reinstated
 1094 ~~is convicted of a felony, or who is convicted of a misdemeanor~~
 1095 ~~relating to misleading or false statements, or who pleads nolo~~
 1096 ~~contendere to any charge of a felony shall be revoked until the~~
 1097 firefighter complies with s. 112.011(2)(b). However, if sentence
 1098 upon such felony or such misdemeanor charge is suspended or
 1099 adjudication is withheld, the firefighter's certification shall
 1100 be revoked until she or he completes any probation.

1101 Section 20. Section 633.352, Florida Statutes, is amended
 1102 to read:

1103 633.352 Retention of firefighter certification.--

1104 (1) Any certified firefighter who has not been active as a
 1105 firefighter, or as a volunteer firefighter with an organized
 1106 fire department, for a period of 3 years shall be required to
 1107 retake and pass the written and practical portions ~~portion~~ of
 1108 the ~~minimum standards state~~ examination specified in division
 1109 rules. ~~rule 4A-37.056(6)(b), Florida Administrative Code, in~~

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1110 ~~order to maintain her or his certification as a firefighter,~~
 1111 ~~however,~~

1112 (2) This requirement does not apply to state-certified
 1113 firefighters who are certified and employed as full-time fire
 1114 safety inspectors by a fire department employing agency
 1115 ~~instructors, as determined by the division.~~

1116 (3) The 3-year period begins on the date the certificate
 1117 of compliance is issued, ~~or~~ upon termination of service with an
 1118 organized fire department, or upon expiration of instructor
 1119 certification.

1120 Section 21. Subsections (1), (2), and (3) of section
 1121 633.382, Florida Statutes, are amended to read:

1122 633.382 Firefighters; supplemental compensation.--

1123 (1) DEFINITIONS.--As used in this section, the term:

1124 (a) "Employing agency" means any municipality or any
 1125 county, the state, or any political subdivision of the state,
 1126 including authorities and special districts employing
 1127 firefighters.

1128 (b) "Firefighter" means any person who meets the
 1129 definition ~~of the term "firefighter"~~ in s. 633.30(2) and (10) ~~(1)~~
 1130 ~~who is certified in compliance with s. 633.35 and who is~~
 1131 employed solely within the fire department of the employing
 1132 agency or is employed by the division.

1133 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1134 (a) In addition to the compensation now paid by an
 1135 employing agency to a any firefighter II, every career
 1136 firefighter shall be paid supplemental compensation by the

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1137 employing agency when such firefighter has complied with one of
1138 the following criteria:

1139 1. Any firefighter II who receives an associate degree
1140 from an accredited a college, which degree is applicable to fire
1141 department duties, as outlined in policy guidelines of the
1142 division, shall be additionally compensated as outlined in
1143 paragraph (3) (a).

1144 2. Any firefighter II, regardless of whether or not she or
1145 he earned an associate degree earlier, who receives from an
1146 accredited college or university a bachelor's degree, which
1147 bachelor's degree is applicable to fire department duties, as
1148 outlined in policy guidelines of the division, shall receive
1149 compensation as outlined in paragraph (3) (b).

1150 3. Any firefighter II who receives from an accredited
1151 college or university a master's degree, which master's degree
1152 is applicable to fire department duties, as outlined in policy
1153 guidelines of the division, shall receive compensation as
1154 outlined in paragraph (3) (c).

1155 (b) Whenever any question arises as to the eligibility of
1156 any firefighter to receive supplemental compensation as provided
1157 in this section, the question, together with all facts relating
1158 thereto, shall be submitted to the division for determination,
1159 and the decision of the division with regard to determination of
1160 eligibility shall be final, subject to the provisions of chapter
1161 120.

1162 (3) SUPPLEMENTAL COMPENSATION.--Supplemental compensation
1163 shall be determined as follows:

1164 (a) Fifty dollars shall be paid monthly to each
 1165 firefighter who qualifies under the provisions of subparagraph
 1166 (2)(a)1.

1167 (b) One hundred and ten dollars shall be paid monthly to
 1168 each firefighter who qualifies under the provisions of
 1169 subparagraph (2)(a)2.

1170 (c) One hundred and fifty dollars shall be paid monthly to
 1171 each firefighter who qualifies under subparagraph (2)(a)3.

1172 Section 22. Subsection (3) is added to section 633.524,
 1173 Florida Statutes, to read:

1174 633.524 Certificate and permit fees; use and deposit of
 1175 collected funds.--

1176 (3) The State Fire Marshal may enter into a contract with
 1177 any qualified public entity or private company in accordance
 1178 with chapter 287 to provide examinations for any applicant for
 1179 any examination administered under the jurisdiction of the State
 1180 Fire Marshal under this chapter or any other chapter under the
 1181 jurisdiction of the State Fire Marshal. The State Fire Marshal
 1182 may have payments from each applicant for each examination made
 1183 directly to such public entity or private company.

1184 Section 23. Subsections (1) and (4) of section 633.541,
 1185 Florida Statutes, are amended to read:

1186 633.541 Contracting without certificate prohibited;
 1187 violations; penalty.--

1188 (1) It is unlawful for any organization or individual to
 1189 engage in, or to engage in the business of, the layout,
 1190 fabrication, installation, inspection, alteration, repair, or
 1191 service of a fire protection system, other than a preengineered

1192 system, act in the capacity of a fire protection contractor, or
 1193 advertise itself as being a fire protection contractor without
 1194 having been duly certified and holding a valid and existing
 1195 certificate, except as hereinafter provided. The holder of a
 1196 certificate used to qualify an organization must be a full-time
 1197 employee of the qualified organization or business. A
 1198 certificateholder who is employed by more than one fire
 1199 protection contractor during the same period of time is deemed
 1200 not to be a full-time employee of either contractor. The State
 1201 Fire Marshal shall revoke, for a period of time determined by
 1202 the State Fire Marshal, the certificate of a certificateholder
 1203 who allows the use of the certificate to qualify a company of
 1204 which the certificateholder is not a full-time employee. A
 1205 contractor who maintains more than one place of business must
 1206 employ a certificateholder at each location. Nothing in this
 1207 subsection prohibits an employee acting on behalf of
 1208 governmental entities from inspecting and enforcing firesafety
 1209 codes, provided such employee is certified under s. 633.081, or
 1210 an owner of a one or two family dwelling from inspecting or
 1211 maintaining the fire protection system for his or her own house.

1212 (4) In addition to the penalties provided in subsection
 1213 (3), a fire protection contractor certified under this chapter
 1214 who violates any provision of this chapter ~~section~~ or who
 1215 commits any act constituting cause for disciplinary action is
 1216 subject to suspension or revocation of the certificate and
 1217 administrative fines pursuant to s. 633.547.

1218 Section 24. Section 633.811, Florida Statutes, is amended
 1219 to read:

1220 633.811 Firefighter employer penalties.--If any
 1221 firefighter employer violates or fails or refuses to comply with
 1222 ss. 633.801-633.821, or with any rule adopted by the division
 1223 under such sections in accordance with chapter 120 for the
 1224 prevention of injuries, accidents, or occupational diseases or
 1225 with any lawful order of the division in connection with ss.
 1226 633.801-633.821, or fails or refuses to furnish or adopt any
 1227 safety device, safeguard, or other means of protection
 1228 prescribed by division rule under ss. 633.801-633.821 for the
 1229 prevention of accidents or occupational diseases, the division
 1230 may issue an administrative cease and desist order, enforceable
 1231 in the circuit court in the jurisdiction where the violation is
 1232 occurring or has occurred, and assess an administrative fine
 1233 against a firefighter employer of not less than \$100 nor more
 1234 than \$1,000 for each violation and each day of each violation.
 1235 The administrative penalty assessment shall be subject to the
 1236 provisions of chapter 120. The division may also assess against
 1237 the firefighter employer a civil penalty of not less than \$100
 1238 nor more than \$5,000 for each day the violation, omission,
 1239 failure, or refusal continues after the firefighter employer has
 1240 been given written notice of such violation, omission, failure,
 1241 or refusal. The total penalty for each violation shall not
 1242 exceed \$50,000. The division shall adopt rules requiring
 1243 penalties commensurate with the frequency or severity of safety
 1244 violations. A hearing shall be held in the county in which the
 1245 violation, omission, failure, or refusal is alleged to have
 1246 occurred, unless otherwise agreed to by the firefighter employer
 1247 and authorized by the division. All penalties assessed and

1248 collected under this section shall be deposited in the Insurance
 1249 Regulatory Trust Fund.

1250 Section 25. Subsection (3) of section 633.821, Florida
 1251 Statutes, is amended to read:

1252 633.821 Workplace safety.--

1253 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
 1254 individuals located outside the immediately dangerous to life
 1255 and health atmosphere may be assigned to an additional role,
 1256 such as incident commander, pumper operator, engineer, or
 1257 driver, so long as such individual is able to immediately
 1258 perform assistance or rescue activities without jeopardizing the
 1259 safety or health of any firefighter working at an incident. ~~Also~~
 1260 ~~with respect to 29 C.F.R. s. 1910.134(g)(4):~~

1261 ~~(a) Each county, municipality, and special district shall~~
 1262 ~~implement such provision by April 1, 2002, except as provided in~~
 1263 ~~paragraphs (b) and (c).~~

1264 ~~(b) If any county, municipality, or special district is~~
 1265 ~~unable to implement such provision by April 1, 2002, without~~
 1266 ~~adding additional personnel to its firefighting staff or~~
 1267 ~~expending significant additional funds, such county,~~
 1268 ~~municipality, or special district shall have an additional 6~~
 1269 ~~months within which to implement such provision. Such county,~~
 1270 ~~municipality, or special district shall notify the division that~~
 1271 ~~the 6-month extension to implement such provision is in effect~~
 1272 ~~in such county, municipality, or special district within 30 days~~
 1273 ~~after its decision to extend the time for the additional 6~~
 1274 ~~months. The decision to extend the time for implementation shall~~
 1275 ~~be made prior to April 1, 2002.~~

1276 ~~(c) If, after the extension granted in paragraph (b), the~~
 1277 ~~county, municipality, or special district, after having worked~~
 1278 ~~with and cooperated fully with the division and the Firefighters~~
 1279 ~~Employment, Standards, and Training Council, is still unable to~~
 1280 ~~implement such provisions without adding additional personnel to~~
 1281 ~~its firefighting staff or expending significant additional~~
 1282 ~~funds, such municipality, county, or special district shall be~~
 1283 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
 1284 ~~However, each year thereafter the division shall review each~~
 1285 ~~such county, municipality, or special district to determine if~~
 1286 ~~such county, municipality, or special district has the ability~~
 1287 ~~to implement such provision without adding additional personnel~~
 1288 ~~to its firefighting staff or expending significant additional~~
 1289 ~~funds. If the division determines that any county, municipality,~~
 1290 ~~or special district has the ability to implement such provision~~
 1291 ~~without adding additional personnel to its firefighting staff or~~
 1292 ~~expending significant additional funds, the division shall~~
 1293 ~~require such county, municipality, or special district to~~
 1294 ~~implement such provision. Such requirement by the division under~~
 1295 ~~this paragraph constitutes final agency action subject to~~
 1296 ~~chapter 120.~~

1297 Section 26. Section 1013.12, Florida Statutes, is amended
 1298 to read:

1299 1013.12 Casualty, safety, sanitation, and firesafety
 1300 standards and inspection of property.--

1301 (1) FIRESAFETY.--The State Board of Education shall adopt
 1302 and administer rules prescribing standards for the safety and
 1303 health of occupants of educational and ancillary plants as a

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1304 part of State Requirements for Educational Facilities or the
 1305 Florida Building Code for educational facilities construction as
 1306 provided in s. 1013.37, ~~except that the State Fire Marshal in~~
 1307 ~~consultation with the Department of Education shall adopt~~
 1308 ~~uniform firesafety standards for educational and ancillary~~
 1309 ~~plants and educational facilities, as provided in s.~~
 1310 ~~633.022(1)(b), and a firesafety evaluation system to be used as~~
 1311 ~~an alternate firesafety inspection standard for existing~~
 1312 ~~educational and ancillary plants and educational facilities. The~~
 1313 ~~uniform firesafety standards and the alternate firesafety~~
 1314 ~~evaluation system shall be administered and enforced by local~~
 1315 ~~fire officials. These standards must be used by all public~~
 1316 ~~agencies when inspecting public educational and ancillary~~
 1317 ~~plants, and the firesafety standards must be used by local fire~~
 1318 ~~officials when performing firesafety inspections of public~~
 1319 ~~educational and ancillary plants and educational facilities. In~~
 1320 accordance with such standards, each board shall prescribe
 1321 policies and procedures establishing a comprehensive program of
 1322 safety and sanitation for the protection of occupants of public
 1323 educational and ancillary plants. Such policies must contain
 1324 procedures for periodic inspections as prescribed in this
 1325 section and for withdrawal of any educational and ancillary
 1326 plant, or portion thereof, from use until unsafe or unsanitary
 1327 conditions are corrected or removed.

1328 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
 1329 BOARDS.--

1330 (a) Each board shall provide for periodic inspection,
 1331 other than firesafety inspection, of each educational and

1332 ancillary plant at least once during each fiscal year to
 1333 determine compliance with standards of sanitation and casualty
 1334 safety prescribed in the rules of the State Board of Education.

1335 ~~(b) Firesafety inspections of each educational and~~
 1336 ~~ancillary plant must be made annually by persons certified by~~
 1337 ~~the Division of State Fire Marshal to be eligible to conduct~~
 1338 ~~firesafety inspections in public educational and ancillary~~
 1339 ~~plants. The board shall submit a copy of the firesafety~~
 1340 ~~inspection report to the State Fire Marshal and, if there is a~~
 1341 ~~local fire official who conducts firesafety inspections, to the~~
 1342 ~~local fire official.~~

1343 ~~(c) In each firesafety inspection report, the board shall~~
 1344 ~~include a plan of action and a schedule for the correction of~~
 1345 ~~each deficiency which have been formulated in consultation with~~
 1346 ~~the local fire control authority. If immediate life threatening~~
 1347 ~~deficiencies are noted in any inspection, the board shall either~~
 1348 ~~take action to promptly correct the deficiencies or withdraw the~~
 1349 ~~educational or ancillary plant from use until such time as the~~
 1350 ~~deficiencies are corrected.~~

1351 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 1352 AGENCIES.--

1353 ~~(a)~~ A safety or sanitation inspection of any educational
 1354 or ancillary plant may be made at any time by the Department of
 1355 Education or any other state or local agency authorized or
 1356 required to conduct such inspections by either general or
 1357 special law. Each agency conducting inspections shall use the
 1358 standards adopted by the Commissioner of Education in lieu of,
 1359 and to the exclusion of, any other inspection standards

1360 prescribed either by statute or administrative rule. The agency
 1361 shall submit a copy of the inspection report to the board.

1362 ~~(b) One firesafety inspection of each educational or~~
 1363 ~~ancillary plant must be conducted each fiscal year by the~~
 1364 ~~county, municipality, or special fire control district in which~~
 1365 ~~the plant is located using the standards adopted by the State~~
 1366 ~~Fire Marshal. The board shall cooperate with the inspecting~~
 1367 ~~authority when a firesafety inspection is made by a governmental~~
 1368 ~~authority under this paragraph.~~

1369 ~~(c) In each firesafety inspection report, the local fire~~
 1370 ~~official in conjunction with the board shall include a plan of~~
 1371 ~~action and a schedule for the correction of each deficiency. If~~
 1372 ~~immediate life threatening deficiencies are noted in any~~
 1373 ~~inspection, the local fire official shall either take action to~~
 1374 ~~require the board to promptly correct the deficiencies or~~
 1375 ~~withdraw the educational facility from use until the~~
 1376 ~~deficiencies are corrected, subject to review by the State Fire~~
 1377 ~~Marshal who shall act within 10 days to ensure that the~~
 1378 ~~deficiencies are corrected or withdraw the facility from use.~~

1379 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY
 1380 DEFICIENCIES.--Upon failure of the board to take corrective
 1381 action within a reasonable time, the agency making the
 1382 inspection, other than a local fire official, may request the
 1383 commissioner to:

1384 (a) Order that appropriate action be taken to correct all
 1385 deficiencies in accordance with a schedule determined jointly by
 1386 the inspecting authority and the board; in developing the
 1387 schedule, consideration must be given to the seriousness of the

1388 deficiencies and the ability of the board to obtain the
 1389 necessary funds; or

1390 (b) After 30 calendar days' notice to the board, order all
 1391 or a portion of the educational or ancillary plant withdrawn
 1392 from use until the deficiencies are corrected.

1393 ~~(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION~~
 1394 ~~FACILITIES.—~~

1395 ~~(a) Firesafety inspections of community college facilities~~
 1396 ~~shall comply with State Board of Education rules.~~

1397 ~~(b) Firesafety inspections of state universities shall~~
 1398 ~~comply with rules of the Board of Governors.~~

1399 ~~(6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.— Upon~~
 1400 ~~failure of the board to take corrective action within the time~~
 1401 ~~designated in the plan of action to correct any firesafety~~
 1402 ~~deficiency noted under paragraph (2) (c) or paragraph (3) (c), the~~
 1403 ~~local fire official shall immediately report the deficiency to~~
 1404 ~~the State Fire Marshal, who shall have enforcement authority~~
 1405 ~~with respect to educational and ancillary plants and educational~~
 1406 ~~facilities as provided in chapter 633 for any other building or~~
 1407 ~~structure.~~

1408 ~~(7) ADDITIONAL STANDARDS.— In addition to any other rules~~
 1409 ~~adopted under this section or s. 633.022, the State Fire Marshal~~
 1410 ~~in consultation with the Department of Education shall adopt and~~
 1411 ~~administer rules prescribing the following standards for the~~
 1412 ~~safety and health of occupants of educational and ancillary~~
 1413 ~~plants:~~

1414 ~~(a) The designation of serious life safety hazards,~~
 1415 ~~including, but not limited to, nonfunctional fire alarm systems,~~

1416 ~~nonfunctional fire sprinkler systems, doors with padlocks or~~
 1417 ~~other locks or devices that preclude egress at any time,~~
 1418 ~~inadequate exits, hazardous electrical system conditions,~~
 1419 ~~potential structural failure, and storage conditions that create~~
 1420 ~~a fire hazard.~~

1421 ~~(b) The proper placement of functional smoke and heat~~
 1422 ~~detectors and accessible, unexpired fire extinguishers.~~

1423 ~~(c) The maintenance of fire doors without doorstops or~~
 1424 ~~wedges improperly holding them open.~~

1425 (5)~~(8)~~ ANNUAL REPORT.--The State Fire Marshal shall
 1426 publish an annual report to be filed with the substantive
 1427 committees of the state House of Representatives and Senate
 1428 having jurisdiction over education, the Commissioner of
 1429 Education or his or her successor, the State Board of Education,
 1430 the Board of Governors, and the Governor documenting the status
 1431 of each board's firesafety program, including the improvement or
 1432 lack thereof.

1433 Section 27. Paragraph (e) of subsection (1) of section
 1434 218.23, Florida Statutes, is amended to read:

1435 218.23 Revenue sharing with units of local government.--

1436 (1) To be eligible to participate in revenue sharing
 1437 beyond the minimum entitlement in any fiscal year, a unit of
 1438 local government is required to have:

1439 (e) Certified that persons in its employ as firefighters,
 1440 as defined in s. 633.30~~(1)~~, meet the qualification for
 1441 employment as established by the Division of State Fire Marshal
 1442 pursuant to the provisions of ss. 633.34 and 633.35 and that the
 1443 provisions of s. 633.382 have been met.

1444
 1445 Additionally, to receive its share of revenue sharing funds, a
 1446 unit of local government shall certify to the Department of
 1447 Revenue that the requirements of s. 200.065, if applicable, were
 1448 met. The certification shall be made annually within 30 days of
 1449 adoption of an ordinance or resolution establishing a final
 1450 property tax levy or, if no property tax is levied, not later
 1451 than November 1. The portion of revenue sharing funds which,
 1452 pursuant to this part, would otherwise be distributed to a unit
 1453 of local government which has not certified compliance or has
 1454 otherwise failed to meet the requirements of s. 200.065 shall be
 1455 deposited in the General Revenue Fund for the 12 months
 1456 following a determination of noncompliance by the department.

1457 Section 28. Paragraph (b) of subsection (4) of section
 1458 447.203, Florida Statutes, is amended to read:

1459 447.203 Definitions.--As used in this part:

1460 (4) "Managerial employees" are those employees who:

1461 (b) Serve as police chiefs, fire chiefs, or directors of
 1462 public safety of any police, fire, or public safety department.
 1463 Other police officers, as defined in s. 943.10(1), and
 1464 firefighters, as defined in s. 633.30~~(1)~~, may be determined by
 1465 the commission to be managerial employees of such departments.
 1466 In making such determinations, the commission shall consider, in
 1467 addition to the criteria established in paragraph (a), the
 1468 paramilitary organizational structure of the department
 1469 involved.

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1471 However, in determining whether an individual is a managerial
1472 employee pursuant to either paragraph (a) or paragraph (b),
1473 above, the commission may consider historic relationships of the
1474 employee to the public employer and to coemployees.

1475 Section 29. Section 633.14, Florida Statutes, is repealed.

1476 Section 30. This act shall take effect July 1, 2008.