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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Banking and Insurance (Bennett) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Paragraph (e) of subsection (1) of section
 8 218.23, Florida Statutes, is amended to read:

9 218.23 Revenue sharing with units of local government.--

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

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

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18
19 Additionally, to receive its share of revenue sharing funds, a
20 unit of local government shall certify to the Department of
21 Revenue that the requirements of s. 200.065, if applicable, were
22 met. The certification shall be made annually within 30 days of
23 adoption of an ordinance or resolution establishing a final
24 property tax levy or, if no property tax is levied, not later
25 than November 1. The portion of revenue sharing funds which,
26 pursuant to this part, would otherwise be distributed to a unit
27 of local government which has not certified compliance or has
28 otherwise failed to meet the requirements of s. 200.065 shall be
29 deposited in the General Revenue Fund for the 12 months following
30 a determination of noncompliance by the department.

31 Section 2. Paragraph (b) of subsection (4) of section
32 447.203, Florida Statutes, is amended to read:

33 447.203 Definitions.--As used in this part:

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

35 (b) Serve as police chiefs, fire chiefs, or directors of
36 public safety of any police, fire, or public safety department.
37 Other police officers, as defined in s. 943.10(1), and
38 firefighters, as defined in s. 633.30 ~~s. 633.30(1)~~, may be
39 determined by the commission to be managerial employees of such
40 departments. In making such determinations, the commission shall
41 consider, in addition to the criteria established in paragraph
42 (a), the paramilitary organizational structure of the department
43 involved.

44
45 However, in determining whether an individual is a managerial
46 employee pursuant to either paragraph (a) or paragraph (b),

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47 | above, the commission may consider historic relationships of the
48 | employee to the public employer and to coemployees.

49 | Section 3. Subsection (1) of section 553.895, Florida
50 | Statutes, is amended to read:

51 | 553.895 Firesafety.--

52 | (1) Any transient public lodging establishment, as defined
53 | in chapter 509 and used primarily for transient occupancy as
54 | defined in s. 83.43(10), or any timeshare unit of a timeshare
55 | plan as defined in chapters 718 and 721, which is of three
56 | stories or more and for which the construction contract has been
57 | let after September 30, 1983, with interior corridors which do
58 | not have direct access from the guest area to exterior means of
59 | egress and on buildings over 75 feet in height that have direct
60 | access from the guest area to exterior means of egress and for
61 | which the construction contract has been let after September 30,
62 | 1983, shall be equipped with an automatic sprinkler system
63 | installed in compliance with the current edition of the
64 | applicable fire sprinkler standards adopted by the State Fire
65 | Marshal. ~~the provisions prescribed in the National Fire~~
66 | ~~Protection Association publication NFPA No. 13 (1985), "Standards~~
67 | ~~for the Installation of Sprinkler Systems."~~ Each guest room and
68 | each timeshare unit shall be equipped with an approved listed
69 | single-station smoke detector meeting the minimum requirements of
70 | NFPA 72, the current edition adopted by the State Fire Marshal,
71 | ~~74 (1984) "Standards for the Installation, Maintenance and Use of~~
72 | ~~Household Fire Warning Equipment,"~~ powered from the building
73 | electrical service, notwithstanding the number of stories in the
74 | structure, if the contract for construction is let after
75 | September 30, 1983. Single-station smoke detectors shall not be
76 | required when guest rooms or timeshare units contain smoke

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77 detectors connected to a central alarm system which also alarms
78 locally.

79 Section 4. Subsection (7) of section 633.01, Florida
80 Statutes, is amended to read:

81 633.01 State Fire Marshal; powers and duties; rules.--

82 (7) The State Fire Marshal shall adopt and administer rules
83 prescribing standards for the safety and health of occupants of
84 educational and ancillary facilities pursuant to ss. 633.022,
85 1013.12, 1013.37, and 1013.371. In addition, in any county that
86 does not employ or appoint a local fire official, the State Fire
87 Marshal shall assume the duties of the local fire official with
88 respect to firesafety inspections ~~of educational property~~
89 ~~required under s. 1013.12(3)(b), and the State Fire Marshal may~~
90 ~~take necessary corrective action as authorized under s.~~
91 ~~1013.12(6).~~

92 Section 5. Section 633.02, Florida Statutes, is amended to
93 read:

94 633.02 Agents; powers and duties; compensation.--The State
95 Fire Marshal shall appoint such agents as may be necessary to
96 carry out effectively the provisions of this chapter, who shall
97 be reimbursed for travel expenses as provided in s. 112.061, in
98 addition to their salary, when traveling or making investigations
99 in the performance of their duties. Such agents shall be at all
100 times under the direction and control of the State Fire Marshal,
101 who shall fix their compensation, and all orders shall be issued
102 in the State Fire Marshal's name and by her or his authority.

103 Section 6. Paragraph (b) of subsection (1) and paragraph
104 (a) of subsection (4) of section 633.022, Florida Statutes, are
105 amended to read:

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106 633.022 Uniform firesafety standards.--The Legislature
107 hereby determines that to protect the public health, safety, and
108 welfare it is necessary to provide for firesafety standards
109 governing the construction and utilization of certain buildings
110 and structures. The Legislature further determines that certain
111 buildings or structures, due to their specialized use or to the
112 special characteristics of the person utilizing or occupying
113 these buildings or structures, should be subject to firesafety
114 standards reflecting these special needs as may be appropriate.

115 (1) The department shall establish uniform firesafety
116 standards that apply to:

117 (b) All new, existing, and proposed hospitals, nursing
118 homes, assisted living facilities, adult family-care homes,
119 correctional facilities, public schools, transient public lodging
120 establishments, public food service establishments, elevators,
121 migrant labor camps, mobile home parks, lodging parks,
122 recreational vehicle parks, recreational camps, residential and
123 nonresidential child care facilities, facilities for the
124 developmentally disabled, motion picture and television special
125 effects productions, tunnels, and self-service gasoline stations,
126 of which standards the State Fire Marshal is the final
127 administrative interpreting authority.

128
129 ~~If In the event~~ there is a dispute between the owners of the
130 buildings specified in paragraph (b) and a local authority
131 requiring a more stringent uniform firesafety standard for
132 sprinkler systems, the State Fire Marshal shall be the final
133 administrative interpreting authority and the State Fire
134 Marshal's interpretation regarding the uniform firesafety
135 standards shall be considered final agency action.

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136 (4) (a) Notwithstanding any provision of law to the
137 contrary, each nursing home licensed under part II of chapter 400
138 shall be protected throughout by an approved, supervised
139 automatic sprinkler system in accordance with s. 9 of National
140 Fire Protection Association, Inc., Life Safety Code, ~~in~~
141 ~~accordance with the following schedule:~~

142 ~~1. Each hazardous area of each nursing home shall be~~
143 ~~protected by an approved, supervised automatic sprinkler system~~
144 ~~by no later than December 31, 2008.~~

145 ~~2. Each entire nursing home shall be protected by an~~
146 ~~approved, supervised automatic sprinkler system by no later than~~
147 ~~December 31, 2010.~~

148 Section 7. Section 633.0221, Florida Statutes, is created
149 to read:

150 633.0221 Firesafety in educational facilities.--

151 (1) UNIFORM FIRESAFETY STANDARDS.--The State Fire Marshal,
152 in consultation with the Department of Education, shall adopt
153 uniform firesafety standards for educational and ancillary plants
154 and educational facilities, as provided in s. 633.022(1)(b), and
155 a firesafety evaluation system to be used as an alternate
156 firesafety inspection standard for existing educational and
157 ancillary plants and educational facilities. The uniform
158 firesafety standards and the alternate firesafety evaluation
159 system shall be administered and enforced by local fire
160 officials. These standards shall be used by all public agencies
161 when inspecting public educational and ancillary plants, and the
162 firesafety standards shall be used by local fire officials when
163 performing firesafety inspections of public educational and
164 ancillary plants and educational facilities.



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165 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
166 BOARDS.--

167 (a) Firesafety inspections of each educational and
168 ancillary plant shall be made annually by persons certified by
169 the Division of State Fire Marshal to be eligible to conduct
170 firesafety inspections in public educational and ancillary
171 plants. Upon request of the State Fire Marshal, the board shall
172 submit a copy of the firesafety inspection report to the State
173 Fire Marshal and, if there is a local fire official who conducts
174 firesafety inspections, to the local fire official.

175 (b) In each firesafety inspection report, the board shall
176 include a plan of action and a schedule for the correction of
177 each deficiency which have been formulated in consultation with
178 the local fire control authority. If immediate life-threatening
179 deficiencies are noted in any inspection, the board shall take
180 action to promptly correct the deficiencies or withdraw the
181 educational or ancillary plant from use until such time as the
182 deficiencies are corrected.

183 (3) INSPECTION OF EDUCATIONAL PROPERTY BY THE STATE FIRE
184 MARSHAL.--

185 (a) One firesafety inspection of each educational or
186 ancillary plant must be conducted each fiscal year by the county,
187 municipality, or special fire control district in which the plant
188 is located using the standards adopted by the State Fire Marshal.
189 The board shall cooperate with the inspecting authority when a
190 firesafety inspection is made by a governmental authority under
191 this paragraph.

192 (b) In each firesafety inspection report, the local fire
193 official, in conjunction with the board, shall include a plan of
194 action and a schedule for the correction of each deficiency. If



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195 immediate life-threatening deficiencies are noted in any
196 inspection, the local fire official shall take action to require
197 the board to promptly correct the deficiencies or withdraw the
198 educational facility from use until the deficiencies are
199 corrected, subject to review by the State Fire Marshal, who shall
200 act within 10 days to ensure that the deficiencies are corrected
201 or withdraw the facility from use.

202 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
203 FACILITIES.--

204 (a) Firesafety inspections of community college facilities
205 shall comply with the applicable rules of the State Fire Marshal.

206 (b) Firesafety inspections of state universities shall
207 comply with rules of the State Fire Marshal related to state-
208 owned buildings.

209 (5) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
210 failure of the board to take corrective action within the time
211 designated in the plan of action to correct any firesafety
212 deficiency noted under paragraph (2) (b) or paragraph (3) (b), the
213 local fire official shall immediately report the deficiency to
214 the State Fire Marshal, who shall have enforcement authority with
215 respect to educational and ancillary plants and educational
216 facilities as provided in this chapter for a violation or
217 deficiency of any other building, structure, or facility.

218 (6) ADDITIONAL STANDARDS.--In addition to any other rules
219 adopted under this section or s. 633.022, the State Fire Marshal,
220 in consultation with the Department of Education, shall adopt and
221 administer rules prescribing the following standards for the
222 safety and health of occupants of educational and ancillary
223 plants:

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224 (a) The designation of serious life-threatening hazards,
225 including, but not limited to, nonfunctional fire alarm systems,
226 nonfunctional fire sprinkler systems, doors with padlocks or
227 other locks or devices that preclude egress at any time,
228 inadequate exits, hazardous electrical system conditions,
229 potential structural failure, and storage conditions that create
230 a fire hazard.

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

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

235 Section 8. Subsection (9) of section 633.0245, Florida
236 Statutes, is amended to read:

237 633.0245 State Fire Marshal Nursing Home Fire Protection
238 Loan Guarantee Program.--

239 (9) An ~~Ne~~ application for participation in the State Fire
240 Marshal Nursing Home Fire Protection Loan Guarantee Program may
241 not be accepted by the State Fire Marshal after July 1, 2009 ~~June~~
242 ~~30, 2006~~.

243 Section 9. Subsection (11) is added to section 633.025,
244 Florida Statutes, to read:

245 633.025 Minimum firesafety standards.--

246 (11) (a) The plans for, and inspections of, manufactured
247 buildings may be completed at the point of manufacture as long as
248 the following requirements are met:

249 1. The person reviewing the plans and inspecting the
250 manufactured or prototype building must be currently certified as
251 a firesafety inspector under s. 633.081(2); and

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252 2. The manufacturer's modular data plate, stating that the
253 building is in compliance with chapter 633 and the rules of the
254 department, has been affixed to the building.

255 (b) The local fire official shall recognize and approve
256 such manufactured building, subject to local fire code
257 amendments, acceptable performance testing of life safety
258 systems, and site conditions. The cost of any additional work
259 necessary to meet these requirements, if any, shall be born by
260 the manufacturer. The department is authorized to adopt rules to
261 administer this subsection.

262 Section 10. Section 633.03, Florida Statutes, is amended to
263 read:

264 633.03 Investigation of fires and explosions ~~fire~~;
265 reports.--The State Fire Marshal shall investigate the cause,
266 origin, and circumstances of every fire or explosion occurring in
267 this state wherein the State Fire Marshal deems an investigation
268 is necessary and ~~property has been damaged or destroyed~~ where
269 there is probable cause to believe that the fire or explosion was
270 the result of carelessness or design. Report of all such
271 investigations shall be made on approved forms to be furnished by
272 the State Fire Marshal.

273 Section 11. Subsections (1) and (2), and paragraph (a) of
274 subsection (3) of section 633.061, Florida Statutes, are amended
275 to read:

276 633.061 Fire suppression equipment; license to install or
277 maintain.--

278 (1) It is unlawful for any organization or individual to
279 engage in the business of servicing, repairing, recharging,
280 testing, marking, inspecting, installing, or hydrotesting any
281 fire extinguisher or preengineered system in this state except in



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282 conformity with the provisions of this chapter. Each organization
283 or individual that engages in such activity must possess a valid
284 and subsisting license issued by the State Fire Marshal. All fire
285 extinguishers and preengineered systems required by statute or by
286 rule must be serviced by an organization or individual licensed
287 under the provisions of this chapter. A licensee who receives
288 appropriate training shall not be prohibited by a manufacturer
289 from servicing any particular brand of fire extinguisher or
290 preengineered system. The licensee is legally qualified to act
291 for the business organization in all matters connected with its
292 business, and the licensee must supervise all activities
293 undertaken by such business organization. Each licensee shall
294 maintain a specific business location. A further requirement, in
295 the case of multiple locations where such servicing or recharging
296 is taking place, is that each licensee who maintains more than
297 one place of business where actual work is carried on must
298 possess an additional license, as set forth in this section, for
299 each location, except that a licensed individual may not qualify
300 for more than five locations. A licensee is limited to a specific
301 type of work performed depending upon the class of license held.
302 Licenses and license fees are required for the following:

303 (a) Class A....\$250

304 To service, recharge, repair, install, or inspect all types of
305 fire extinguishers and to conduct hydrostatic tests on all types
306 of fire extinguishers.

307 (b) Class B....\$150

308 To service, recharge, repair, install, or inspect all types of
309 fire extinguishers, including recharging carbon dioxide units and
310 conducting hydrostatic tests on all types of fire extinguishers,
311 except carbon dioxide units.

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312 (c) Class C....\$150

313 To service, recharge, repair, install, or inspect all types of
314 fire extinguishers, except recharging carbon dioxide units, and
315 to conduct hydrostatic tests on all types of fire extinguishers,
316 except carbon dioxide units.

317 (d) Class D....\$200

318 To service, repair, recharge, hydrotest, install, or inspect all
319 types of preengineered fire extinguishing systems.

320 (e) Licenses issued as duplicates or to reflect a change of
321 address....\$10

322

323 Any fire equipment dealer licensed pursuant to this subsection
324 who does not want to engage in the business of servicing,
325 inspecting, recharging, repairing, hydrotesting, or installing
326 clean agent ~~halon~~ equipment must file an affidavit on a form
327 provided by the division so stating. Licenses will be issued by
328 the division to reflect the work authorized thereunder. It is
329 unlawful, unlicensed activity for any person or firm to falsely
330 hold himself or herself or a business organization out to perform
331 any service, inspection, recharge, repair, hydrotest, or
332 installation except as specifically described in the license.

333 (2) Each individual actually performing the work of
334 servicing, recharging, repairing, hydrotesting, installing,
335 testing, or inspecting fire extinguishers or preengineered
336 systems must possess a valid and subsisting permit issued by the
337 State Fire Marshal. Permittees are limited as to specific type of
338 work performed to allow work no more extensive than the class of
339 license held by the licensee under whom the permittee is working.
340 Permits will be issued by the division and the fees required are
341 as follows:

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342 (a) Portable permit....\$90
343 "Portable permittee" means a person who is limited to performing
344 work no more extensive than the employing licensee in the
345 servicing, recharging, repairing, installing, or inspecting all
346 types of portable fire extinguishers.

347 (b) Preengineered permit....\$120
348 "Preengineered permittee" means a person who is limited to the
349 servicing, recharging, repairing, installing, or inspecting of
350 all types of preengineered fire extinguishing systems.

351 (c) Permits issued as duplicates or to reflect a change of
352 address....\$10

353
354 Any fire equipment permittee licensed pursuant to this subsection
355 who does not want to engage in servicing, inspecting, recharging,
356 repairing, hydrotesting, or installing clean agent ~~halon~~
357 equipment must file an affidavit on a form provided by the
358 division so stating. Permits will be issued by the division to
359 reflect the work authorized thereunder. It is unlawful,
360 unlicensed activity for any person or firm to falsely hold
361 himself or herself out to perform any service, inspection,
362 recharge, repair, hydrotest, or installation except as
363 specifically described in the permit.

364 (3)(a) Such licenses and permits shall be issued by the
365 State Fire Marshal for 2 years beginning January 1, 2000, and
366 each 2-year period thereafter and expiring December 31 of the
367 second year. All licenses or permits issued will expire on
368 December 31 of each odd-numbered year. The failure to renew a
369 license or permit by December 31 of the second year will cause
370 the license or permit to become inoperative. The holder of an
371 inoperative license or permit shall not engage in any activities



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372 | for which a license or permit is required by this section. A
373 | license or permit which is inoperative because of the failure to
374 | renew it shall be restored upon payment of the applicable fee
375 | plus a penalty equal to the applicable fee, if the application
376 | for renewal is filed no later than the following March 31. If the
377 | application for restoration is not made before the March 31st
378 | deadline, the fee for restoration shall be equal to the original
379 | application fee and the penalty provided for herein, and, in
380 | addition, the State Fire Marshal shall require reexamination of
381 | the applicant. The fee for a license or permit issued for 1 year
382 | or less shall be prorated at 50 percent of the applicable fee for
383 | a biennial license or permit. Following the initial licensure,
384 | each licensee or permittee shall successfully complete a course
385 | or courses of continuing education for fire equipment technicians
386 | of at least 16 32 hours. A license or permit may not be renewed
387 | unless the licensee or permittee produces documentation of the
388 | completion of at least 16 hours of continuing education for fire
389 | equipment technicians during the biennial licensure period within
390 | 4 years of initial issuance of a license or permit and within
391 | each 4-year period thereafter or no such license or permit shall
392 | be renewed. A person who is both a licensee and a permittee shall
393 | be required to complete a total of 16 32 hours of continuing
394 | education during each renewal per 4-year period. Each licensee
395 | shall ensure that all permittees in his or her employment meet
396 | their continuing education requirements. The State Fire Marshal
397 | shall adopt rules describing the continuing education
398 | requirements and shall have the authority upon reasonable belief,
399 | to audit a fire equipment dealer to determine compliance with
400 | continuing education requirements.

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401 Section 12. Section 633.081, Florida Statutes, is amended
402 to read:

403 633.081 Inspection of buildings and equipment; orders;
404 firesafety inspection training requirements; certification;
405 disciplinary action.--The State Fire Marshal and her or his
406 agents may ~~shall~~, at any reasonable hour, when the department has
407 reasonable cause to believe that a violation of this chapter or
408 s. 509.215, or a rule promulgated thereunder, or a minimum
409 firesafety code adopted by the State Fire Marshal or a local
410 authority, may exist, inspect any and all buildings and
411 structures which are subject to the requirements of this chapter
412 or s. 509.215 and rules promulgated thereunder. The authority to
413 inspect shall extend to all equipment, vehicles, and chemicals
414 which are located on or within the premises of any such building
415 or structure.

416 (1) Each county, municipality, and special district that
417 has firesafety enforcement responsibilities shall employ or
418 contract with a firesafety inspector. The firesafety inspector
419 must conduct all firesafety inspections that are required by law.
420 The governing body of a county, municipality, or special district
421 that has firesafety enforcement responsibilities may provide a
422 schedule of fees to pay only the costs of inspections conducted
423 pursuant to this subsection and related administrative expenses.
424 Two or more counties, municipalities, or special districts that
425 have firesafety enforcement responsibilities may jointly employ
426 or contract with a firesafety inspector.

427 (2) Every firesafety inspection conducted pursuant to state
428 or local firesafety requirements shall be by a person certified
429 as having met the inspection training requirements set by the
430 State Fire Marshal. Such person shall:



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431 (a) Be a high school graduate or the equivalent as
432 determined by the department;

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

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

441 (d) Have good moral character as determined by the
442 department;

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

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

446 (g)1. Have satisfactorily completed, as determined by the
447 department, a firesafety inspector training program of not less
448 than 200 hours established by the department and administered by
449 agencies and institutions approved by the department for the
450 purpose of providing basic certification training for firesafety
451 inspectors; or

452 2. Have received in another state training which is
453 determined by the department to be at least equivalent to that
454 required by the department for approved firesafety inspector
455 education and training programs in this state.

456 (3)(a)1. Effective July 1, 2011, the classification of
457 special state firesafety inspector is abolished and all special
458 state firesafety inspector certifications expire at midnight June
459 30, 2011.

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460 2. Any person who is a special state firesafety inspector
461 on June 30, 2011, and who has failed to comply with paragraph (b)
462 or paragraph (c) is not permitted to perform any firesafety
463 inspection required by law.

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

466 (b)1. Any person who is a special state firesafety
467 inspector on July 1, 2008, and who has at least 5 years of
468 experience as a special state firesafety inspector as of July 1,
469 2008, may take the same firesafety inspection examination as
470 provided in paragraph (2) (f) for firesafety inspectors prior to
471 July 1, 2011, to be certified as a firesafety inspector described
472 in subsection (2).

473 2. Upon passing the examination, such person shall be
474 certified as a firesafety inspector as provided in subsection
475 (2).

476 3. Failure to obtain certification requires compliance with
477 paragraph (c) to be certified as a firesafety inspector as
478 provided in subsection (2).

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

481 a. Is a special state firesafety inspector on July 1, 2008,
482 and who does not have 5 years of experience as a special state
483 firesafety inspector as of July 1, 2008; or

484 b. Has 5 years of experience as a special state firesafety
485 inspector but has failed the examination taken pursuant to
486 paragraph (b),

487
488 must take an additional 80 hours of the courses described in
489 paragraph (2) (g).



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490 2. After successfully completing the courses described in
491 this paragraph, such person is permitted to take the firesafety
492 inspection examination described in paragraph (2)(f), if such
493 examination is taken before July 1, 2011.

494 3. Upon passing the examination, such person shall become
495 certified as a firesafety inspector as provided in subsection
496 (2).

497 4. A person who fails the course of study or the
498 examination described in this paragraph may not perform any
499 firesafety inspection required by law on or after July 1, 2011
500 ~~Each special state firesafety inspection which is required by law~~
501 ~~and is conducted by or on behalf of an agency of the state must~~
502 ~~be performed by an individual who has met the provision of~~
503 ~~subsection (2), except that the duration of the training program~~
504 ~~shall not exceed 120 hours of specific training for the type of~~
505 ~~property that such special state firesafety inspectors are~~
506 ~~assigned to inspect.~~

507 (4) A firefighter certified pursuant to s. 633.35 may
508 conduct firesafety inspections, under the supervision of a
509 certified firesafety inspector, while on duty as a member of a
510 fire department company conducting inservice firesafety
511 inspections without being certified as a firesafety inspector, if
512 such firefighter has satisfactorily completed an inservice fire
513 department company inspector training program of at least 24
514 hours' duration as provided by rule of the department.

515 (5) Every firesafety inspector ~~or special state firesafety~~
516 ~~inspector~~ certificate is valid for a period of 3 years from the
517 date of issuance. Renewal of certification shall be subject to
518 the affected person's completing proper application for renewal
519 and meeting all of the requirements for renewal as established

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520 | under this chapter or by rule adopted ~~promulgated~~ thereunder,
521 | which shall include completion of at least 40 hours during the
522 | preceding 3-year period of continuing education as required by
523 | the rule of the department or, in lieu thereof, successful
524 | passage of an examination as established by the department.

525 | (6) The State Fire Marshal may deny, refuse to renew,
526 | suspend, or revoke the certificate of a firesafety inspector ~~or~~
527 | ~~special state firesafety inspector~~ if it finds that any of the
528 | following grounds exist:

529 | (a) Any cause for which issuance of a certificate could
530 | have been refused had it then existed and been known to the State
531 | Fire Marshal.

532 | (b) Violation of this chapter or any rule or order of the
533 | State Fire Marshal.

534 | (c) Falsification of records relating to the certificate.

535 | (d) Having been found guilty of or having pleaded guilty or
536 | nolo contendere to a felony, whether or not a judgment of
537 | conviction has been entered.

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

539 | (f) Having been convicted of a crime in any jurisdiction
540 | which directly relates to the practice of fire code inspection,
541 | plan review, or administration.

542 | (g) Making or filing a report or record that the
543 | certificateholder knows to be false, or knowingly inducing
544 | another to file a false report or record, or knowingly failing to
545 | file a report or record required by state or local law, or
546 | knowingly impeding or obstructing such filing, or knowingly
547 | inducing another person to impede or obstruct such filing.

548 | (h) Failing to properly enforce applicable fire codes or
549 | permit requirements within this state which the certificateholder

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550 knows are applicable by committing willful misconduct, gross
551 negligence, gross misconduct, repeated negligence, or negligence
552 resulting in a significant danger to life or property.

553 (i) Accepting labor, services, or materials at no charge or
554 at a noncompetitive rate from any person who performs work that
555 is under the enforcement authority of the certificateholder and
556 who is not an immediate family member of the certificateholder.
557 For the purpose of this paragraph, the term "immediate family
558 member" means a spouse, child, parent, sibling, grandparent,
559 aunt, uncle, or first cousin of the person or the person's spouse
560 or any person who resides in the primary residence of the
561 certificateholder.

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

564 (8) The State Fire Marshal may develop by rule an advanced
565 training and certification program for firesafety inspectors with
566 fire code management responsibility. This program shall be
567 consistent with national standards. The program shall establish
568 minimum training, education, and experience levels for fire
569 safety inspectors with fire code management responsibilities.

570 (9) The Division of State Fire Marshal may enter into a
571 reciprocity agreement with the Florida Building Code
572 Administrators and Inspectors Board, established pursuant to s.
573 468.605, to facilitate joint recognition of continuing education
574 recertification hours for certificateholders licensed in
575 accordance with s. 468.609 and firesafety inspectors certified in
576 accordance with subsection (2).

577 Section 13. Paragraph (a) of subsection (1), and
578 subsections (2), (3), and (4) of section 633.085, Florida
579 Statutes, are amended to read:



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580 633.085 Inspections of state buildings and premises; tests
581 of firesafety equipment; building plans to be approved.--

582 (1) (a) It is the duty of the State Fire Marshal and her or
583 his agents to inspect, or cause to be inspected, each state-owned
584 building and each building located on land owned by the state and
585 used primarily for state purposes as determined by the State Fire
586 Marshal, such buildings to be referred to in this section as a
587 state-owned building or state-owned buildings, on a recurring
588 basis established by rule, and to ensure that high-hazard
589 occupancies are inspected at least annually, for the purpose of
590 ascertaining and causing to be corrected any conditions liable to
591 cause fire or endanger life from fire and any violation of the
592 firesafety standards for state-owned buildings, the provisions of
593 this chapter, or the rules or regulations adopted and promulgated
594 pursuant hereto. The State Fire Marshal shall, within 7 days
595 following an inspection, submit a report of such inspection to
596 the head of the department of state government responsible for
597 the building.

598 (2) The State Fire Marshal and her or his agents may ~~shall~~
599 conduct performance tests on any electronic fire warning and
600 smoke detection system, and any pressurized air-handling unit, in
601 any state-owned building or state-leased space on a recurring
602 basis as provided in subsection (1). The State Fire Marshal and
603 her or his agents shall also ensure that fire drills are
604 conducted in all high-hazard state-owned buildings or high-hazard
605 state-leased ~~high-hazard~~ occupancies at least annually.

606 (3) All construction of any new, or renovation, alteration,
607 or change of occupancy of any existing, state-owned building or
608 state-leased space shall comply with the uniform firesafety
609 standards of the State Fire Marshal.



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610 (a) For all new construction or renovation, alteration, or
611 change of occupancy of state-leased space, compliance with the
612 uniform firesafety standards shall be determined by reviewing the
613 plans for the proposed construction or occupancy submitted by the
614 lessor to the Division of State Fire Marshal for review and
615 approval prior to commencement of construction or occupancy,
616 which review shall be completed within 10 working days after
617 receipt of the plans by the Division of State Fire Marshal.

618 (b) The plans for all construction of any new, or
619 renovation or alteration of any existing, state-owned building
620 are subject to the review and approval of the Division of State
621 Fire Marshal for compliance with the uniform firesafety standards
622 prior to commencement of construction or change of occupancy,
623 which review shall be completed within 30 calendar days of
624 receipt of the plans by the Division of State Fire Marshal.

625 (4) The Division of State Fire Marshal may inspect state-
626 owned buildings and space and state-leased space as necessary
627 prior to occupancy or during construction, renovation, or
628 alteration to ascertain compliance with the uniform firesafety
629 standards. Whenever the Division of State Fire Marshal determines
630 by virtue of such inspection or by review of plans that
631 construction, renovation, or alteration of state-owned buildings
632 and state-leased space is not in compliance with the uniform
633 firesafety standards, the Division of State Fire Marshal shall
634 issue an order to cease construction, renovation, or alteration,
635 or to preclude occupancy, of a building until compliance is
636 obtained, except for those activities required to achieve such
637 compliance.

638 Section 14. Section 633.101, Florida Statutes, is amended
639 to read:



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640 633.101 Hearings; investigations; investigatory powers of
641 State Fire Marshal; costs of service and witness fees.--

642 (1) The State Fire Marshal may in his or her discretion
643 take or cause to be taken the testimony on oath of all persons
644 whom he or she believes to be cognizant of any facts in relation
645 to matters under investigation. The State Fire Marshal may
646 administer oaths and affirmations, compel the attendance of
647 witnesses or proffering of matter, and collect evidence.

648 (2) If the State Fire Marshal seeks to obtain by request
649 any matter that, or the testimony of any person who is, located
650 outside the state, the person requested shall provide the
651 testimony to the State Fire Marshal or make the matter available
652 to the State Fire Marshal to examine at the place where the
653 matter is located. The State Fire Marshal may designate
654 representatives, including officials of the state in which the
655 matter is located, to inspect the matter on behalf of the State
656 Fire Marshal, and the State Fire Marshal may respond to similar
657 requests from officials of other states. ~~If the State Fire~~
658 ~~Marshal shall be of the opinion that there is sufficient evidence~~
659 ~~to charge any person with an offense, he or she shall cause the~~
660 ~~arrest of such person and shall furnish to the prosecuting~~
661 ~~officer of any court having jurisdiction of said offense all~~
662 ~~information obtained by him or her, including a copy of all~~
663 ~~pertinent and material testimony taken, together with the names~~
664 ~~and addresses of all witnesses. In the conduct of such~~
665 ~~investigations, the fire marshal may request such assistance as~~
666 ~~may reasonably be given by such prosecuting officers and other~~
667 ~~local officials.~~

668 (3) (a) The State Fire Marshal may request that an
669 individual who refuses to comply with any request made under



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670 subsection (2) be ordered by the circuit court to provide the
671 testimony or matter. The court may not order such compliance
672 unless the State Fire Marshal has demonstrated to the
673 satisfaction of the court that the testimony of the witness or
674 the matter under request has a direct bearing on matter under the
675 jurisdiction of the State Fire Marshal, constitutes a felony or
676 misdemeanor under this chapter, the Florida Insurance Code, or a
677 fraudulent insurance act or act of arson, or is pertinent and
678 necessary to further such investigation.

679 (b) Except in a prosecution for perjury, an individual who
680 complies with a court order to provide testimony or matter after
681 asserting a privilege against self-incrimination to which the
682 individual is entitled by law may not be subjected to a criminal
683 proceeding or to a civil penalty with respect to the act
684 concerning that which the individual is required to testify or
685 produce relevant matter.

686 (c) In the absence of fraud or bad faith, a person is not
687 subject to civil liability for libel, slander, or any other
688 relevant tort by virtue of filing reports, without malice, or
689 furnishing other information, without malice, required by this
690 chapter or required by the State Fire Marshal under the authority
691 granted in this chapter, and no civil cause of action of any
692 nature shall arise against such person for:

693 1. Any information relating to a matter under the
694 jurisdiction of the State Fire Marshal, suspected violations of
695 the Florida Insurance Code, or fraudulent insurance acts or
696 persons suspected of engaging in such acts furnished to or
697 received from law enforcement officials or their agents or
698 employees;



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699 2. Any information relating to any matter under the
700 jurisdiction of the State Fire Marshal, suspected violations of
701 the Florida Insurance Code, fraudulent insurance acts or acts of
702 arson, or persons suspected of engaging in such acts furnished to
703 or received from other persons subject to the provisions of this
704 chapter;

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

708 4. Other actions taken in cooperation with any of the
709 agencies or individuals specified in this paragraph in the lawful
710 investigation of violations under the jurisdiction of the State
711 Fire Marshal, suspected violations of the Florida Insurance Code,
712 or suspected fraudulent insurance acts.

713 (d) In addition to the immunity granted in paragraph (c), a
714 person identified as a designated employee whose responsibilities
715 include the investigation and disposition of violations under the
716 jurisdiction of the State Fire Marshal or the Florida Insurance
717 Code and claims relating to suspected fraudulent insurance acts
718 may share information relating to persons suspected of such acts
719 with other designated employees employed by the same or other
720 insurers whose responsibilities include such acts. Unless the
721 employees of the insurer act in bad faith or in reckless
722 disregard for the rights of any insured, the insurer or its
723 designated employees are not civilly liable for libel, slander,
724 or any other relevant tort, and a civil action does not arise
725 against the insurer or its designated employees for:

726 1. Any information related to any matter under the
727 jurisdiction of the State Fire Marshal, the Florida Insurance

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728 Code, or suspected fraudulent insurance acts provided to an
729 insurer; or

730 2. Any information relating to any matter under the
731 jurisdiction of the State Fire Marshal, the Florida Insurance
732 Code, or suspected fraudulent insurance acts provided to the
733 National Insurance Crime Bureau or the National Association of
734 Insurance Commissioners.

735
736 However, the qualified immunity against civil liability conferred
737 on any insurer or its designated employees shall be forfeited
738 with respect to the exchange or publication of any defamatory
739 information with third persons not expressly authorized by this
740 paragraph to share in such information.

741 (e) This section does not abrogate or modify in any way any
742 common-law or statutory privilege or immunity otherwise enjoyed
743 by any person ~~The fire marshal may summon and compel the~~
744 ~~attendance of witnesses before him or her to testify in relation~~
745 ~~to any manner which is, by the provisions of this chapter, a~~
746 ~~subject of inquiry and investigation, and he or she may require~~
747 ~~the production of any book, paper or document deemed pertinent~~
748 ~~thereto by him or her, and may seize furniture and other personal~~
749 ~~property to be held for evidence.~~

750 (4) Papers, documents, reports, or evidence relative to the
751 subject of an investigation under this section are not subject to
752 discovery until the investigation is completed or ceases to be
753 active. Agents of the State Fire Marshal are not subject to
754 subpoena in civil actions by any court of this state to testify
755 concerning any matter of which they have knowledge pursuant to a
756 pending investigation by the State Fire Marshal. All persons so
757 ~~summoned and so testifying shall be entitled to the same witness~~

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758 ~~fees and mileage as provided for witnesses testifying in the~~
759 ~~circuit courts of this state, and officers serving subpoenas or~~
760 ~~orders of the fire marshal shall be paid in like manner for like~~
761 ~~services in such courts, from the funds herein provided.~~

762 (5) Any person, other than an insurer, agent, or other
763 person licensed under the Florida Insurance Code, or an employee
764 of such licensee, having knowledge or a belief that a crime
765 involving arson, a destructive device, an illegal possession of
766 explosives, a fraudulent insurance act, or any other act or
767 practice which, upon conviction, constitutes a felony or a
768 misdemeanor under this chapter, the Florida Insurance Code, or s.
769 817.233, is being or has been committed may submit to the State
770 Fire Marshal a report or information pertinent to such knowledge
771 or belief and such additional information relative to such
772 knowledge or belief as the State Fire Marshal may request. Any
773 insurer, agent, or other person licensed under the Florida
774 Insurance Code, or an employee of such licensee, having knowledge
775 or a belief that a crime involving arson, a destructive device,
776 an illegal possession of explosives, or any other act or practice
777 which, upon conviction, constitutes a felony or a misdemeanor
778 under this chapter or s. 817.233, is being or has been committed,
779 shall send to the State Fire Marshal a report or information
780 pertinent to such knowledge or belief and such additional
781 information relative to such knowledge or belief as the State
782 Fire Marshal may require. The State Fire Marshal shall review
783 such information or reports and select such information or
784 reports as, in his or her judgment, may require further
785 investigation. The State Fire Marshal shall then cause an
786 independent examination of the facts surrounding such information
787 or report to be made to determine the extent, if any, to which a

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788 crime involving arson, a destructive device, or a fraudulent
789 insurance act, or any other act or practice that, upon
790 conviction, constitutes a felony or a misdemeanor under this
791 chapter, the Florida Insurance Code, or s. 817.233 is being or
792 has been committed. The State Fire Marshal shall report any
793 alleged violations of law which his or her investigations reveal
794 to the appropriate licensing agency and state attorney or other
795 prosecuting agency having jurisdiction with respect to any such
796 violation.

797 (6) It is unlawful for any person to resist an arrest by an
798 agent of the State Fire Marshal authorized by this section or in
799 any manner to interfere, by abetting or assisting such resistance
800 or otherwise interfering, with any Division of State Fire Marshal
801 investigator in the duties imposed upon such agent or
802 investigator by law or department rule.

803 Section 15. Section 633.121, Florida Statutes, is amended
804 to read:

805 633.121 Persons authorized to enforce laws and rules of
806 State Fire Marshal.--The chiefs of county, municipal, and
807 special-district fire departments; other fire department
808 personnel designated by their respective chiefs; ~~and~~ personnel
809 designated by local governments having no organized fire
810 departments; and all law enforcement officers in the state duly
811 certified under chapter 943 and acting upon the request of the
812 State Fire Marshal or a chief of a county, municipal, or special
813 district fire department may ~~are authorized to~~ enforce this
814 chapter law and all rules adopted ~~prescribed~~ by the State Fire
815 Marshal within their respective jurisdictions. Such personnel
816 acting under the authority of this section shall be deemed to be

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817 agents of their respective jurisdictions, not agents of the State
818 Fire Marshal.

819 Section 16. Section 633.13, Florida Statutes, is amended to
820 read:

821 633.13 State Fire Marshal; authority of agents.--The
822 authority given the State Fire Marshal under this chapter or any
823 rule or order adopted by the State Fire Marshal ~~law~~ may be
824 exercised by his or her agents, either individually or in
825 conjunction with any other state or local official charged with
826 similar responsibilities.

827 Section 17. Section 633.14, Florida Statutes, is amended to
828 read:

829 633.14 Agents; powers to make arrests, conduct searches and
830 seizures, serve summonses, and carry firearms.--Agents or
831 investigators of the State Fire Marshal have the power to make
832 arrests for criminal violations established as a result of
833 investigations. Such agents or investigators shall also be
834 considered state law enforcement officers for all purposes and
835 shall have the power to execute arrest warrants and search
836 warrants; serve subpoenas issued for the examination,
837 investigation, and trial of all offenses; and to arrest upon
838 probable cause, without warrant, any person violating any
839 provision of the laws of this state. Agents or investigators
840 empowered to make arrests under this section may bear arms in the
841 performance of their duties. In such a situation, the
842 investigator must be certified in compliance with the provisions
843 of s. 943.1395 or must meet the temporary employment or
844 appointment exemption requirements of s. 943.131 until certified
845 ~~shall have the same authority to serve summonses, make arrests,~~
846 ~~carry firearms, and make searches and seizures, as the sheriff or~~

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847 ~~her or his deputies, in the respective counties where such~~
848 ~~investigations, hearings, or inspections may be held; and~~
849 ~~affidavits necessary to authorize any such arrests, searches, or~~
850 ~~seizures may be made before any trial court judge having~~
851 ~~authority under the law to issue appropriate processes.~~

852 Section 18. Subsections (1) and (3) of section 633.161,
853 Florida Statutes, are amended to read:

854 633.161 Violations; orders to cease and desist, correct
855 hazardous conditions, preclude occupancy, or vacate; enforcement;
856 penalties.--

857 (1) If it is determined by the department that a violation
858 specified in this subsection exists, the State Fire Marshal or
859 her or his agent ~~deputy~~ may issue and deliver to the person
860 committing the violation an order to cease and desist from such
861 violation, to correct any hazardous condition, to preclude
862 occupancy of the affected building or structure, or to vacate the
863 premises of the affected building or structure. Such violations
864 consist of ~~are~~:

865 (a) Except as set forth in paragraph (b), a violation of
866 any provision of this chapter, of any rule adopted pursuant
867 thereto, of any applicable uniform firesafety standard adopted
868 pursuant to s. 633.022 which is not adequately addressed by any
869 alternative requirements adopted on a local level, or of any
870 minimum firesafety standard adopted pursuant to s. 394.879.

871 (b) A substantial violation of an applicable minimum
872 firesafety standard adopted pursuant to s. 633.025 which is not
873 reasonably addressed by any alternative requirement imposed at
874 the local level, or an unreasonable interpretation of an
875 applicable minimum firesafety standard, and which violation or
876 interpretation clearly constitutes a danger to lifesafety.

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

880 (d) A building or structure which contains explosive matter
881 or flammable liquids or gases constituting a danger to life,
882 safety, or property.

883 (e) A fire department that is not designated by a political
884 subdivision as defined in s. 1.01.

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

888 Section 19. Subsection (1) of section 633.171, Florida
889 Statutes, is amended to read:

890 633.171 Penalty for violation of law, rule, or order to
891 cease and desist or for failure to comply with corrective
892 order.--

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

898 Section 20. Subsection (1) of section 633.175, Florida
899 Statutes, is amended to read:

900 633.175 Investigation of fraudulent insurance claims and
901 crimes; immunity of insurance companies supplying information.--

902 (1) In addition to the other powers granted by this
903 chapter, the State Fire Marshal or an agent appointed pursuant to
904 s. 633.02, any law enforcement officer as defined in s. 111.065,
905 any law enforcement officer of a federal agency, or any fire
906 department official who is engaged in the investigation of a fire

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907 | loss may request any insurance company or its agent, adjuster,
908 | employee, or attorney, investigating a claim under an insurance
909 | policy or contract with respect to a fire to release any
910 | information whatsoever in the possession of the insurance company
911 | or its agent, adjuster, employee, or attorney relative to a loss
912 | from that fire. The insurance company shall release the available
913 | information to and cooperate with any official authorized to
914 | request such information pursuant to this section. The
915 | information shall include, but shall not be limited to:

916 | (a) Any insurance policy relevant to a loss under
917 | investigation and any application for such a policy.

918 | (b) Any policy premium payment records.

919 | (c) The records, reports, and all material pertaining to
920 | any previous claims made by the insured with the reporting
921 | company.

922 | (d) Material relating to the investigation of the loss,
923 | including statements of any person, proof of loss, and other
924 | relevant evidence.

925 | (e) Memoranda, notes, and correspondence relating to the
926 | investigation of the loss in the possession of the insurance
927 | company or its agents, adjusters, employees, or attorneys.

928 | Section 21. Section 633.18, Florida Statutes, is amended to
929 | read:

930 | 633.18 State Fire Marshal; hearings and investigations;
931 | subpoena of witnesses; orders of circuit court.--Any agent
932 | designated by the State Fire Marshal for such purposes, may hold
933 | hearings, sign and issue subpoenas, administer oaths, examine
934 | witnesses, receive evidence, and require by subpoena the
935 | attendance and testimony of witnesses and the production of such
936 | accounts, records, memoranda or other evidence, as may be

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937 material for the determination of any complaint or conducting any
938 inquiry or investigation under this chapter or any rule or order
939 of the State Fire Marshal law. In case of disobedience to a
940 subpoena, the State Fire Marshal or his or her agent may invoke
941 the aid of any court of competent jurisdiction in requiring the
942 attendance and testimony of witnesses and the production of
943 accounts, records, memoranda or other evidence and any such court
944 may in case of contumacy or refusal to obey a subpoena issued to
945 any person, issue an order requiring the person to appear before
946 the State Fire Marshal's agent or produce accounts, records,
947 memoranda or other evidence, as so ordered, or to give evidence
948 touching any matter pertinent to any complaint or the subject of
949 any inquiry or investigation, and any failure to obey such order
950 of the court shall be punished by the court as a contempt
951 thereof.

952 Section 22. Section 633.30, Florida Statutes, is amended to
953 read:

954 633.30 Standards for firefighting; definitions.--As used in
955 this chapter, the term:

956 (1) "Career firefighter" means a person who is compensated
957 at an hourly or salaried rate and whose work hours are scheduled
958 in advance to maintain a schedule of coverage at a station,
959 facility, or area to function as described in subsection (8)
960 ~~"Firefighter" means any person initially employed as a full-time~~
961 ~~professional firefighter by any employing agency, as defined~~
962 ~~herein, whose primary responsibility is the prevention and~~
963 ~~extinguishment of fires, the protection and saving of life and~~
964 ~~property, and the enforcement of municipal, county, and state~~
965 ~~fire prevention codes, as well as of any law pertaining to the~~
966 ~~prevention and control of fires.~~

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967 (2) "Council" means the Firefighters Employment, Standards,
968 and Training Council ~~"Employing agency" means any municipality or~~
969 ~~county, the state, or any political subdivision of the state,~~
970 ~~including authorities and special districts, employing~~
971 ~~firefighters as defined in subsection (1).~~

972 (3) "Department" means the Department of Financial
973 Services.

974 (4) "Division" means the Division of State Fire Marshal of
975 the Department of Financial Services ~~"Council" means the~~
976 ~~Firefighters Employment, Standards, and Training Council.~~

977 (5) "Employing agency" means any municipality or county,
978 the state, or any political subdivision of the state, including
979 authorities, special districts, or any private entity under
980 contract with such entities ~~"Division" means the Division of~~
981 ~~State Fire Marshal of the Department of Financial Services.~~

982 (6) "Fire department" means an organization designated by a
983 state political subdivision, such as a county, municipality, or
984 special fire control district, to provide emergency response for
985 the protection of life and property within a specified
986 geographical area.

987 (7) "Fire service apprentice" means any high school student
988 who completes a high school course of instruction and examination
989 approved by the department that includes specified components of
990 firefighter I and II certification in accordance with the
991 division's rules. Before the age of 18, a fire service apprentice
992 may function as a fireground resource technician with a
993 recognized fire department. Upon age of 18 and graduation from
994 high school, the fire service apprentice may complete the
995 outstanding components of firefighter I and II certification



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996 training and become certified at level II in accordance with the
997 division's rules.

998 (8) "Firefighter" means any person whose responsibility is
999 the emergency response to fires and other emergencies, the
1000 prevention and extinguishment of fires, the protection and saving
1001 of life and property, and the enforcement of municipal, county,
1002 and state fire prevention codes, as well as of any law pertaining
1003 to the prevention and control of fires.

1004 (9) "Firefighter I" means a person who has successfully
1005 completed the firefighter I training program and is certified at
1006 level I in accordance with the division's rules. Firefighter I is
1007 the minimum level of certification to function as a volunteer
1008 firefighter.

1009 (10) "Firefighter II" means a person who has successfully
1010 completed the firefighter II training program and is certified at
1011 level II in accordance with the division's rules. Firefighter II
1012 is the minimum level of certification to function as a career
1013 firefighter as set forth in subsection (2). For purposes of this
1014 chapter, a certificate of compliance at level II replaces the
1015 previous certificate of compliance required to be a career
1016 firefighter. Firefighters currently certified with a certificate
1017 of compliance are deemed to be in compliance with the
1018 requirements of this chapter and need not become certified as a
1019 firefighter II.

1020 (11) "Fireground resource technician" means a volunteer
1021 exterior firefighter or support person who is not qualified by
1022 certification to be an interior firefighter but who has completed
1023 a course of instruction in accordance with the division's rules.
1024 Fireground resource technician is the minimum level of

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1025 certification to function on the fireground in accordance with
1026 division rules.

1027 Section 23. Section 633.34, Florida Statutes, is amended to
1028 read:

1029 633.34 Firefighters; qualifications for employment.--

1030 (1) Any person applying for employment as a firefighter
1031 must:

1032 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
1033 term may be determined by the division, and at least 18 years of
1034 age.

1035 (b) ~~(2)~~ Never have been adjudicated guilty of, or pled
1036 guilty or nolo contendere to, any:

1037 1. Felony. If an applicant has been convicted of a felony,
1038 the applicant is not eligible for certification until the
1039 applicant complies with s. 112.011(2)(b); or

1040 2. Misdemeanor involving moral turpitude, or misleading or
1041 false statements relating to certification or employment as a
1042 firefighter.

1043

1044 If an applicant has been sentenced for any conviction of a felony
1045 or a misdemeanor, the applicant is not eligible for certification
1046 until 4 years after the expiration of any sentence. If a sentence
1047 is suspended or adjudication is withheld and a period of
1048 probation is imposed, the applicant must have been released from

1049 probation ~~Neither have been convicted of a felony or of a~~
1050 ~~misdemeanor directly related to the position of employment~~
1051 ~~sought, nor have pled nolo contendere to any charge of a felony.~~

1052 ~~If an applicant has been convicted of a felony, such applicant~~
1053 ~~must be in compliance with s. 112.011(2)(b). If an applicant has~~
1054 ~~been convicted of a misdemeanor directly related to the position~~

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1055 ~~of employment sought, such applicant shall be excluded from~~
1056 ~~employment for a period of 4 years after expiration of sentence.~~
1057 ~~If the sentence is suspended or adjudication is withheld in a~~
1058 ~~felony charge or in a misdemeanor directly related to the~~
1059 ~~position or employment sought and a period of probation is~~
1060 ~~imposed, the applicant must have been released from probation.~~

1061 (c)(3) Pay for and submit fingerprints as directed by the
1062 division ~~Submit a fingerprint card to the division with a current~~
1063 ~~processing fee. The fingerprints shall fingerprint card will be~~
1064 ~~forwarded to the Department of Law Enforcement or and/or the~~
1065 ~~Federal Bureau of Investigation, or both, as directed by division~~
1066 ~~rule.~~

1067 ~~(4) Have a good moral character as determined by~~
1068 ~~investigation under procedure established by the division.~~

1069 (d)(5) Be in good physical condition as determined by a
1070 medical examination given by a physician, surgeon, or physician
1071 assistant licensed to practice in the state pursuant to chapter
1072 458; an osteopathic physician, surgeon, or physician assistant
1073 licensed to practice in the state pursuant to chapter 459; or an
1074 advanced registered nurse practitioner licensed to practice in
1075 the state pursuant to chapter 464, who are aware of and familiar
1076 with the medical requirements for training and certification as
1077 stated in department rule. Such examination may include, but need
1078 not be limited to, provisions of the National Fire Protection
1079 Association Standard 1582. Results of this A medical examination
1080 evidencing good physical condition shall be submitted to the
1081 division, on a form as provided by rule, before an individual is
1082 eligible for admission into a firefighter training program as
1083 defined in s. 633.35.

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1084 ~~(e)(6)~~ Be a nonuser of tobacco or tobacco products for at
1085 least 1 year immediately preceding application, as evidenced by
1086 the sworn affidavit of the applicant.

1087 (2) A person who does not hold a fire service apprentice,
1088 fireground resource technician, firefighter I, or firefighter II
1089 certificate may not respond or engage in hazardous operations,
1090 including, but not limited to, interior structural firefighting,
1091 hazardous-materials-incident mitigation, and incident command,
1092 requiring the knowledge and skills taught in the training
1093 programs established in s. 633.35, regardless of volunteer or
1094 employment status.

1095 Section 24. Subsections (1), (2), (3), and (4) of section
1096 633.35, Florida Statutes, are amended to read:

1097 633.35 Firefighter training and certification.--

1098 (1) The division shall establish by rule ~~a~~ firefighter
1099 training programs for certification as a fireground resource
1100 technician, a fire service apprentice, a firefighter I, and a
1101 firefighter II, to be ~~program of not less than 360 hours,~~
1102 administered by such agencies and institutions as approved by the
1103 division in accordance with division rules ~~it approves~~ for the
1104 purpose of providing ~~basic employment~~ training for firefighters.
1105 Nothing herein shall require a public employer to pay the cost of
1106 such training.

1107 (2) The division shall issue certificates ~~a certificate~~ of
1108 compliance for certification as a fireground resource technician,
1109 a fire service apprentice, a firefighter I, and a firefighter II
1110 to any person who has satisfactorily completed ~~complying with the~~
1111 training programs ~~program~~ established in subsection (1), who has
1112 successfully passed an examination as prescribed by the division,
1113 and who possesses the qualifications specified ~~for employment~~ in

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1114 s. 633.34, ~~except s. 633.34(5)~~. A No person may not be employed
1115 as a career regular or permanent firefighter by an employing
1116 agency, or by a private entity under contract with the state or
1117 any political subdivision of the state, including authorities and
1118 special districts, unless certified as a firefighter II, except
1119 for an individual hired to be trained and become certified as a
1120 firefighter II. An individual hired to be trained and become
1121 certified as a firefighter II has a maximum of for a period of
1122 time in excess of 1 year from the date of initial employment to
1123 obtain the firefighter II until he or she has obtained such
1124 certificate of compliance. A person who does not hold a
1125 firefighter II certificate of compliance and is employed under
1126 this section may not directly engage in hazardous operations,
1127 such as interior structural firefighting and hazardous-materials-
1128 incident mitigation, requiring the knowledge and skills taught in
1129 a training program established in subsection (1), including
1130 incident command. However, a person who is certified and has been
1131 employed by served as a volunteer firefighter with the state or
1132 any political subdivision of the state, including authorities and
1133 special districts, who is then employed as a career regular or
1134 permanent firefighter may function, during this period, in the
1135 same capacity in which he or she acted prior to being employed as
1136 a career firefighter as a volunteer firefighter, provided that he
1137 or she has completed all training required by the volunteer
1138 organization.

1139 (3) The division may issue a certificate of compliance at
1140 the firefighter I or firefighter II level to any person who has
1141 received basic employment training for firefighters in another
1142 state when the division has determined that such training was at
1143 least equivalent to that required by the division for approved

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1144 firefighter education and training programs in this state and
1145 when such person has satisfactorily complied with all other
1146 requirements of this section. The division may also issue a
1147 special certificate to a person who is otherwise qualified under
1148 this section and who is employed as the administrative and
1149 command head of a fire/rescue/emergency services organization,
1150 based on the acknowledgment that such person is less likely to
1151 need physical dexterity and more likely to need advanced
1152 knowledge of firefighting and supervisory skills. The certificate
1153 is valid only while the person is serving in a position as an
1154 administrative and command head of a fire/rescue/emergency
1155 services organization and must be obtained prior to employment in
1156 such capacity.

1157 (4) A person who fails an examination given under this
1158 section may retake the examination once within 6 months after the
1159 original examination date. An applicant who does not pass ~~retake~~
1160 the examination within such time must repeat or take the
1161 applicable training program ~~Minimum Standards Course~~, pursuant to
1162 subsection (1), before being reexamined. The division may
1163 establish reasonable preregistration deadlines for such
1164 reexaminations.

1165 Section 25. Section 633.351, Florida Statutes, is amended
1166 to read:

1167 633.351 Disciplinary action; firefighters; standards for
1168 revocation of certification.--

1169 (1) The certification of a firefighter shall be revoked if
1170 evidence is found that the certification was improperly issued by
1171 the division or if evidence is found that the certification was
1172 issued on the basis of false, incorrect, incomplete, or
1173 misleading information.

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1174 (2) The certification of a firefighter who has been
1175 adjudicated guilty of, or pled guilty or nolo contendere to, any
1176 felony, or any misdemeanor involving moral turpitude, or
1177 misleading or false statements relating to the certification or
1178 employment as a firefighter, shall be revoked. In the case of a
1179 felony, the certification may not be reinstated ~~is convicted of a~~
1180 ~~felony, or who is convicted of a misdemeanor relating to~~
1181 ~~misleading or false statements, or who pleads nolo contendere to~~
1182 ~~any charge of a felony shall be revoked~~ until the firefighter
1183 complies with s. 112.011(2)(b). However, if sentence upon such
1184 felony or such misdemeanor charge is suspended or adjudication is
1185 withheld, the firefighter's certification shall be revoked until
1186 she or he completes any probation.

1187 (3) It is a violation of certification for any career
1188 firefighter as defined in this chapter, whose initial employment
1189 date is on or after July 1, 2008, to use tobacco products. An
1190 investigation by the local firefighter employer which determines
1191 such use, confirmed by legal means such as nicotine or cotinine
1192 testing, shall result in the suspension of the firefighter's
1193 state certification, requiring suspension or termination of
1194 employment. The division shall adopt rules setting forth the
1195 criteria for testing, investigation, and notification of the
1196 division by the local firefighter employer of violations, actions
1197 to be taken by the division, reinstatement of certification with
1198 appropriate medical approval and surveillance, and the number of
1199 violations allowed before permanent revocation of firefighter
1200 certification.

1201 Section 26. Section 633.352, Florida Statutes, is amended
1202 to read:

1203 633.352 Retention of firefighter certification.--

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1204 (1) Any certified firefighter who has not been active as a
1205 firefighter, or as a volunteer firefighter with an organized fire
1206 department, for a period of 3 years shall be required to retake
1207 and pass the written and practical portions ~~portion~~ of the
1208 ~~minimum standards state~~ examination specified in division rules
1209 ~~rule 4A-37.056(6)(b), Florida Administrative Code,~~ in order to
1210 maintain her or his certification as a firefighter. ~~; however,~~

1211 (2) This requirement does not apply to state-certified
1212 firefighters who are certified and employed as full-time fire
1213 safety inspectors by a fire department employing agency or to
1214 instructors regardless of their employment status ~~instructors, as~~
1215 ~~determined by the division.~~

1216 (3) The 3-year period begins on the date the firefighter I
1217 or II certificate of compliance is issued, ~~or~~ upon termination of
1218 service with an organized fire department, or upon expiration of
1219 instructor certification.

1220 Section 27. Paragraph (b) of subsection (1) and paragraph
1221 (a) of subsection (2) of section 633.382, Florida Statutes, are
1222 amended to read:

1223 633.382 Firefighters; supplemental compensation.--

1224 (1) DEFINITIONS.--As used in this section, the term:

1225 (b) "Firefighter" means any person who meets the definition
1226 ~~of the term "firefighter" in s. 633.30(2) and (10) s. 633.30(1)~~
1227 ~~who is certified in compliance with s. 633.35 and who is employed~~
1228 solely within the fire department of the employing agency or is
1229 employed by the division.

1230 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1231 (a) In addition to the compensation now paid by an
1232 employing agency to a any firefighter II, every career
1233 firefighter shall be paid supplemental compensation by the

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1234 employing agency when such firefighter has complied with one of
1235 the following criteria:

1236 1. Any firefighter II who receives an associate degree from
1237 an accredited a college, which degree is applicable to fire
1238 department duties, as outlined in policy guidelines of the
1239 division, shall be additionally compensated as outlined in
1240 paragraph (3) (a).

1241 2. Any firefighter II, regardless of whether or not she or
1242 he earned an associate degree earlier, who receives from an
1243 accredited college or university a bachelor's degree, which
1244 bachelor's degree is applicable to fire department duties, as
1245 outlined in policy guidelines of the division, shall receive
1246 compensation as outlined in paragraph (3) (b).

1247 Section 28. Subsection (3) is added to section 633.524,
1248 Florida Statutes, to read:

1249 633.524 Certificate and permit fees; use and deposit of
1250 collected funds.--

1251 (3) The State Fire Marshal may enter into a contract with
1252 any qualified public entity or private company in accordance with
1253 chapter 287 to provide examinations for any applicant for any
1254 examination administered under the jurisdiction of the State Fire
1255 Marshal under this chapter or any other chapter under the
1256 jurisdiction of the State Fire Marshal. The State Fire Marshal
1257 may have payments from each applicant for each examination made
1258 directly to such public entity or private company.

1259 Section 29. Subsections (1) and (4) of section 633.541,
1260 Florida Statutes, are amended to read:

1261 633.541 Contracting without certificate prohibited;
1262 violations; penalty.--

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1263 (1) It is unlawful for any organization or individual to
1264 engage in the business of, the layout, fabrication, installation,
1265 inspection, alteration, repair, or service of a fire protection
1266 system, other than a preengineered system, act in the capacity of
1267 a fire protection contractor, or advertise itself as being a fire
1268 protection contractor without having been duly certified and
1269 holding a valid and existing certificate, except as hereinafter
1270 provided. The holder of a certificate used to qualify an
1271 organization must be a full-time employee of the qualified
1272 organization or business. A certificateholder who is employed by
1273 more than one fire protection contractor during the same period
1274 of time is deemed not to be a full-time employee of either
1275 contractor. The State Fire Marshal shall revoke, for a period of
1276 time determined by the State Fire Marshal, the certificate of a
1277 certificateholder who allows the use of the certificate to
1278 qualify a company of which the certificateholder is not a full-
1279 time employee. A contractor who maintains more than one place of
1280 business must employ a certificateholder at each location.
1281 ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~ an
1282 employee acting on behalf of governmental entities from
1283 inspecting and enforcing firesafety codes, provided such employee
1284 is certified under s. 633.081, or an owner of a one or two family
1285 dwelling from inspecting or maintaining the fire protection
1286 system for his or her own house.

1287 (4) In addition to the penalties provided in subsection
1288 (3), a fire protection contractor certified under this chapter
1289 who violates any provision of this chapter ~~section~~ or who commits
1290 any act constituting cause for disciplinary action is subject to
1291 suspension or revocation of the certificate and administrative
1292 fines pursuant to s. 633.547.

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1293 Section 30. Subsection (4) of section 633.72, Florida
1294 Statutes, is amended to read:

1295 633.72 Florida Fire Code Advisory Council.--

1296 (4) Each appointee shall serve a 4-year term. No member
1297 shall serve more than two consecutive terms ~~one term~~. No member
1298 of the council shall be paid a salary as such member, but each
1299 shall receive travel and expense reimbursement as provided in s.
1300 112.061.

1301 Section 31. Section 633.811, Florida Statutes, is amended
1302 to read:

1303 633.811 Firefighter employer penalties.--If any firefighter
1304 employer violates or fails or refuses to comply with ss. 633.801-
1305 633.821, or with any rule adopted by the division under such
1306 sections in accordance with chapter 120 for the prevention of
1307 injuries, accidents, or occupational diseases or with any lawful
1308 order of the division in connection with ss. 633.801-633.821, or
1309 fails or refuses to furnish or adopt any safety device,
1310 safeguard, or other means of protection prescribed by division
1311 rule under ss. 633.801-633.821 for the prevention of accidents or
1312 occupational diseases, the division may issue an administrative
1313 cease and desist order, enforceable in the circuit court in the
1314 jurisdiction where the violation is occurring or has occurred,
1315 and assess an administrative fine against a firefighter employer
1316 of not less than \$100 nor more than \$1,000 for each violation and
1317 each day of each violation. The administrative penalty assessment
1318 shall be subject to the provisions of chapter 120. The division
1319 may also assess against the firefighter employer a civil penalty
1320 of not less than \$100 nor more than \$5,000 for each day the
1321 violation, omission, failure, or refusal continues after the
1322 firefighter employer has been given written notice of such

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1323 violation, omission, failure, or refusal. The total penalty for
1324 each violation shall not exceed \$50,000. The division shall adopt
1325 rules requiring penalties commensurate with the frequency or
1326 severity of safety violations. A hearing shall be held in the
1327 county in which the violation, omission, failure, or refusal is
1328 alleged to have occurred, unless otherwise agreed to by the
1329 firefighter employer and authorized by the division. All
1330 penalties assessed and collected under this section shall be
1331 deposited in the Insurance Regulatory Trust Fund.

1332 Section 32. Subsection (3) of section 633.821, Florida
1333 Statutes, is amended to read:

1334 633.821 Workplace safety.--

1335 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
1336 individuals located outside the immediately dangerous to life and
1337 health atmosphere may be assigned to an additional role, such as
1338 incident commander, pumper operator, engineer, or driver, so long
1339 as such individual is able to immediately perform assistance or
1340 rescue activities without jeopardizing the safety or health of
1341 any firefighter working at an incident. ~~Also with respect to 29~~
1342 ~~C.F.R. s. 1910.134(g)(4):~~

1343 ~~(a) Each county, municipality, and special district shall~~
1344 ~~implement such provision by April 1, 2002, except as provided in~~
1345 ~~paragraphs (b) and (c).~~

1346 ~~(b) If any county, municipality, or special district is~~
1347 ~~unable to implement such provision by April 1, 2002, without~~
1348 ~~adding additional personnel to its firefighting staff or~~
1349 ~~expending significant additional funds, such county,~~
1350 ~~municipality, or special district shall have an additional 6~~
1351 ~~months within which to implement such provision. Such county,~~
1352 ~~municipality, or special district shall notify the division that~~

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1353 ~~the 6-month extension to implement such provision is in effect in~~
1354 ~~such county, municipality, or special district within 30 days~~
1355 ~~after its decision to extend the time for the additional 6~~
1356 ~~months. The decision to extend the time for implementation shall~~
1357 ~~be made prior to April 1, 2002.~~

1358 ~~(c) If, after the extension granted in paragraph (b), the~~
1359 ~~county, municipality, or special district, after having worked~~
1360 ~~with and cooperated fully with the division and the Firefighters~~
1361 ~~Employment, Standards, and Training Council, is still unable to~~
1362 ~~implement such provisions without adding additional personnel to~~
1363 ~~its firefighting staff or expending significant additional funds,~~
1364 ~~such municipality, county, or special district shall be exempt~~
1365 ~~from the requirements of 29 C.F.R. s. 1910.134(g)(4). However,~~
1366 ~~each year thereafter the division shall review each such county,~~
1367 ~~municipality, or special district to determine if such county,~~
1368 ~~municipality, or special district has the ability to implement~~
1369 ~~such provision without adding additional personnel to its~~
1370 ~~firefighting staff or expending significant additional funds. If~~
1371 ~~the division determines that any county, municipality, or special~~
1372 ~~district has the ability to implement such provision without~~
1373 ~~adding additional personnel to its firefighting staff or~~
1374 ~~expending significant additional funds, the division shall~~
1375 ~~require such county, municipality, or special district to~~
1376 ~~implement such provision. Such requirement by the division under~~
1377 ~~this paragraph constitutes final agency action subject to chapter~~
1378 ~~120.~~

1379 Section 33. Section 1013.12, Florida Statutes, is amended
1380 to read:

1381 1013.12 Casualty, safety, sanitation, and firesafety
1382 standards and inspection of property.--

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1383 (1) FIRESAFETY.--The State Board of Education shall adopt
1384 and administer rules prescribing standards for the safety and
1385 health of occupants of educational and ancillary plants as a part
1386 of State Requirements for Educational Facilities or the Florida
1387 Building Code for educational facilities construction as provided
1388 in s. 1013.37, ~~except that the State Fire Marshal in consultation~~
1389 ~~with the Department of Education shall adopt uniform firesafety~~
1390 ~~standards for educational and ancillary plants and educational~~
1391 ~~facilities, as provided in s. 633.022(1)(b), and a firesafety~~
1392 ~~evaluation system to be used as an alternate firesafety~~
1393 ~~inspection standard for existing educational and ancillary plants~~
1394 ~~and educational facilities. The uniform firesafety standards and~~
1395 ~~the alternate firesafety evaluation system shall be administered~~
1396 ~~and enforced by local fire officials. These standards must be~~
1397 ~~used by all public agencies when inspecting public educational~~
1398 ~~and ancillary plants, and the firesafety standards must be used~~
1399 ~~by local fire officials when performing firesafety inspections of~~
1400 ~~public educational and ancillary plants and educational~~
1401 ~~facilities. In accordance with such standards, each board shall~~
1402 prescribe policies and procedures establishing a comprehensive
1403 program of safety and sanitation for the protection of occupants
1404 of public educational and ancillary plants. Such policies must
1405 contain procedures for periodic inspections as prescribed in this
1406 section and for withdrawal of any educational and ancillary
1407 plant, or portion thereof, from use until unsafe or unsanitary
1408 conditions are corrected or removed.

1409 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
1410 BOARDS.--

1411 (a) Each board shall provide for periodic inspection, other
1412 than firesafety inspection, of each educational and ancillary



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1413 | plant at least once during each fiscal year to determine
1414 | compliance with standards of sanitation and casualty safety
1415 | prescribed in the rules of the State Board of Education.

1416 | (b) Firesafety inspections of each educational and
1417 | ancillary plant must be made annually by persons certified by the
1418 | Division of State Fire Marshal to be eligible to conduct
1419 | firesafety inspections in public educational and ancillary
1420 | plants. Upon request of the State Fire Marshal, the board shall
1421 | submit a copy of the firesafety inspection report to the State
1422 | Fire Marshal and, if there is a local fire official who conducts
1423 | firesafety inspections, to the local fire official.

1424 | (c) In each firesafety inspection report, the board shall
1425 | include a plan of action and a schedule for the correction of
1426 | each deficiency which have been formulated in consultation with
1427 | the local fire control authority. If immediate life-threatening
1428 | deficiencies are noted in any inspection, the board shall either
1429 | take action to promptly correct the deficiencies or withdraw the
1430 | educational or ancillary plant from use until such time as the
1431 | deficiencies are corrected.

1432 | (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
1433 | AGENCIES.--

1434 | ~~(a)~~ A safety or sanitation inspection of any educational or
1435 | ancillary plant may be made at any time by the Department of
1436 | Education or any other state or local agency authorized or
1437 | required to conduct such inspections by either general or special
1438 | law. Each agency conducting inspections shall use the standards
1439 | adopted by the Commissioner of Education in lieu of, and to the
1440 | exclusion of, any other inspection standards prescribed either by
1441 | statute or administrative rule. The agency shall submit a copy of
1442 | the inspection report to the board.



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1443 ~~(b) One firesafety inspection of each educational or~~
1444 ~~aneillary plant must be conducted each fiscal year by the county,~~
1445 ~~municipality, or special fire control district in which the plant~~
1446 ~~is located using the standards adopted by the State Fire Marshal.~~
1447 ~~The board shall cooperate with the inspecting authority when a~~
1448 ~~firesafety inspection is made by a governmental authority under~~
1449 ~~this paragraph.~~

1450 ~~(c) In each firesafety inspection report, the local fire~~
1451 ~~official in conjunction with the board shall include a plan of~~
1452 ~~action and a schedule for the correction of each deficiency. If~~
1453 ~~immediate life-threatening deficiencies are noted in any~~
1454 ~~inspection, the local fire official shall either take action to~~
1455 ~~require the board to promptly correct the deficiencies or~~
1456 ~~withdraw the educational facility from use until the deficiencies~~
1457 ~~are corrected, subject to review by the State Fire Marshal who~~
1458 ~~shall act within 10 days to ensure that the deficiencies are~~
1459 ~~corrected or withdraw the facility from use.~~

1460 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY
1461 DEFICIENCIES.--Upon failure of the board to take corrective
1462 action within a reasonable time, the agency making the
1463 inspection, other than a local fire official, may request the
1464 commissioner to:

1465 (a) Order that appropriate action be taken to correct all
1466 deficiencies in accordance with a schedule determined jointly by
1467 the inspecting authority and the board; in developing the
1468 schedule, consideration must be given to the seriousness of the
1469 deficiencies and the ability of the board to obtain the necessary
1470 funds; or



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1471 (b) After 30 calendar days' notice to the board, order all
1472 or a portion of the educational or ancillary plant withdrawn from
1473 use until the deficiencies are corrected.

1474 ~~(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION~~
1475 ~~FACILITIES.--~~

1476 ~~(a) Firesafety inspections of community college facilities~~
1477 ~~shall comply with State Board of Education rules.~~

1478 ~~(b) Firesafety inspections of state universities shall~~
1479 ~~comply with rules of the Board of Governors.~~

1480 ~~(6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--~~ Upon
1481 ~~failure of the board to take corrective action within the time~~
1482 ~~designated in the plan of action to correct any firesafety~~
1483 ~~deficiency noted under paragraph (2) (c) or paragraph (3) (c), the~~
1484 ~~local fire official shall immediately report the deficiency to~~
1485 ~~the State Fire Marshal, who shall have enforcement authority with~~
1486 ~~respect to educational and ancillary plants and educational~~
1487 ~~facilities as provided in chapter 633 for any other building or~~
1488 ~~structure.~~

1489 ~~(7) ADDITIONAL STANDARDS.--~~ In addition to any other rules
1490 ~~adopted under this section or s. 633.022, the State Fire Marshal~~
1491 ~~in consultation with the Department of Education shall adopt and~~
1492 ~~administer rules prescribing the following standards for the~~
1493 ~~safety and health of occupants of educational and ancillary~~
1494 ~~plants:~~

1495 ~~(a) The designation of serious life-safety hazards,~~
1496 ~~including, but not limited to, nonfunctional fire alarm systems,~~
1497 ~~nonfunctional fire sprinkler systems, doors with padlocks or~~
1498 ~~other locks or devices that preclude egress at any time,~~
1499 ~~inadequate exits, hazardous electrical system conditions,~~



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1500 ~~potential structural failure, and storage conditions that create~~
 1501 ~~a fire hazard.~~

1502 ~~(b) The proper placement of functional smoke and heat~~
 1503 ~~detectors and accessible, unexpired fire extinguishers.~~

1504 ~~(c) The maintenance of fire doors without doorstops or~~
 1505 ~~wedges improperly holding them open.~~

1506 ~~(8) ANNUAL REPORT.--The State Fire Marshal shall publish an~~
 1507 ~~annual report to be filed with the substantive committees of the~~
 1508 ~~state House of Representatives and Senate having jurisdiction~~
 1509 ~~over education, the Commissioner of Education or his or her~~
 1510 ~~successor, the State Board of Education, the Board of Governors,~~
 1511 ~~and the Governor documenting the status of each board's~~
 1512 ~~firesafety program, including the improvement or lack thereof.~~

1513 Section 34. This act shall take effect July 1, 2008.

1514
 1515 ===== T I T L E A M E N D M E N T =====

1516 And the title is amended as follows:

1517 Delete everything before the enacting clause
 1518 and insert:

1519 A bill to be entitled
 1520 An act relating to fire prevention and control; amending
 1521 ss. 218.23 and 447.203, F.S.; revising cross-references;
 1522 amending s. 553.895, F.S.; revising outdated publication
 1523 references; amending s. 633.01, F.S.; revising a provision
 1524 relating to requirements for the State Fire Marshal to
 1525 make certain firesafety inspections and take certain
 1526 corrective actions; amending s. 633.02, F.S.; providing
 1527 the correct name for the State Fire Marshal; amending s.
 1528 633.022, F.S.; revising provisions relating to uniform
 1529 firesafety standards to include application to tunnels;

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1530 revising requirements pertaining to supervised automatic
1531 sprinkler systems within nursing homes; creating s.
1532 633.0221, F.S.; requiring the State Fire Marshal, in
1533 consultation with the Department of Education, to adopt
1534 uniform firesafety standards for educational facilities;
1535 specifying uniform firesafety standards; providing for
1536 periodic inspections of property by district school
1537 boards; providing for inspections of educational property
1538 by the State Fire Marshal; providing for inspections of
1539 public postsecondary education facilities; providing for
1540 actions to correct firesafety deficiencies; specifying
1541 additional standards; amending s. 633.0245, F.S.; changing
1542 the application deadline for participation in the State
1543 Fire Marshal Nursing Home Loan Guarantee Program; amending
1544 s. 633.025, F.S.; providing requirements for firesafety
1545 plans and inspections for manufactured buildings; amending
1546 s. 633.03, F.S.; expanding application of authority of the
1547 State Fire Marshal to investigate fires to include
1548 explosions; amending s. 633.061, F.S.; revising the type
1549 of fire suppression equipment in which a person must be
1550 licensed in order to engage in the business of servicing,
1551 inspecting, recharging, hydrotesting, or installing;
1552 revising the requirements for the renewal of a license to
1553 engage in the business of servicing, inspecting,
1554 recharging, hydrotesting, or installing fire suppression
1555 equipment; amending s. 633.081, F.S.; authorizing the
1556 State Fire Marshal to inspect buildings or structures for
1557 certain violations; abolishing special state firesafety
1558 inspector classifications; providing for certification as
1559 a firesafety inspector; providing application and

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1560 examination requirements; authorizing the State Fire
1561 Marshal to develop a certain advanced training and
1562 certification program for firesafety inspectors;
1563 authorizing the Division of State Fire Marshal to enter
1564 into a reciprocity agreement with the Florida Building
1565 Code Administrators and Inspectors Board for certain
1566 continuing education recertification purposes; amending s.
1567 633.085, F.S.; revising requirements for the State Fire
1568 Marshal to inspect state buildings; amending s. 633.101,
1569 F.S.; revising and expanding the authority and powers of
1570 the State Fire Marshal to administer oaths, compel
1571 attendance of witnesses, and collect evidence; providing
1572 certain forms of immunity from liability for certain
1573 actions and persons under certain circumstances; exempting
1574 certain information from discovery under certain
1575 circumstances; exempting agents of the State Fire Marshal
1576 from subpoena under certain circumstances; specifying
1577 limitations on treatment of physical evidence; authorizing
1578 persons and agents of the State Fire Marshal to submit
1579 certain crime-related reports or information to the State
1580 Fire Marshal; authorizing agents of the State Fire Marshal
1581 to make arrests as state law enforcement officers under
1582 certain circumstances; providing that it is unlawful to
1583 resist arrest; amending s. 633.121, F.S.; expanding the
1584 list of eligible persons authorized to enforce laws and
1585 rules of the State Fire Marshal; amending s. 633.13, F.S.;
1586 revising a provision relating to the authority of agents
1587 of the State Fire Marshal; amending s. 633.14, F.S.;
1588 revising and expanding powers regarding arrests, searches,
1589 and the carrying of firearms by State Fire Marshal agents

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1590 and investigators; amending s. 633.161, F.S.; expanding
1591 the list of violations for which the State Fire Marshal
1592 may issue certain enforcement orders; providing criminal
1593 penalties for failure to comply with such orders; amending
1594 s. 633.171, F.S.; conforming a provision; amending s.
1595 633.175, F.S.; specifying additional powers granted to the
1596 State Fire Marshal; amending s. 633.18, F.S.; revising a
1597 provision relating to conduct of inquiries or
1598 investigations by agents of the State Fire Marshal;
1599 amending s. 633.30, F.S.; revising and providing
1600 definitions; amending s. 633.34, F.S.; revising
1601 requirements for qualification for employment as a
1602 firefighter; amending s. 633.35, F.S.; revising
1603 requirements for firefighter training and certification;
1604 amending s. 633.351, F.S.; revising provisions for
1605 disciplinary actions for firefighters; revising standards
1606 for revocation of firefighter certifications; amending s.
1607 633.352, F.S.; revising requirements for retention of
1608 firefighter certification; amending s. 633.382, F.S.;
1609 revising provisions regarding required supplemental
1610 compensation for firefighters; amending s. 633.524, F.S.;
1611 authorizing the State Fire Marshal to contract to provide
1612 certain examinations; amending s. 633.541, F.S.; expanding
1613 an exclusion from application of a prohibition against
1614 contracting without certification for certain homeowners;
1615 amending s. 633.72, F.S.; revising the membership terms of
1616 the Fire Code Advisory Council; amending s. 633.811, F.S.;
1617 expanding authority of the division to enforce provisions
1618 of law and rules applicable to employers; authorizing
1619 assessment of administrative fines; amending s. 633.821,

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1620 F.S.; deleting certain obsolete provisions requiring
1621 counties, municipalities, and special districts to
1622 implement certain provisions of federal law; amending s.
1623 1013.12, F.S.; revising provisions regarding casualty,
1624 safety, sanitation, and firesafety standards and
1625 inspections of educational facilities and ancillary plants
1626 and reporting requirements; providing an effective date.