

By Senator Saunders

37-03578A-08

20082388\_\_

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

37-03578A-08

20082388\_\_

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

37-03578A-08

20082388\_\_

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

37-03578A-08

20082388\_\_

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

103  
104 Be It Enacted by the Legislature of the State of Florida:

105  
106 Section 1. Subsection (7) of section 633.01, Florida  
107 Statutes, is amended to read:

108 633.01 State Fire Marshal; powers and duties; rules.--

109 (7) The State Fire Marshal shall adopt and administer rules  
110 prescribing standards for the safety and health of occupants of  
111 educational and ancillary facilities pursuant to ss. 633.022,  
112 1013.12, 1013.37, and 1013.371. In addition, in any county that  
113 does not employ or appoint a local fire official, the State Fire  
114 Marshal shall assume the duties of the local fire official with  
115 respect to firesafety inspections ~~of educational property~~  
116 ~~required under s. 1013.12(3)(b), and the State Fire Marshal may~~

37-03578A-08

20082388\_\_

117 ~~take necessary corrective action as authorized under s.~~  
118 ~~1013.12(6).~~

119 Section 2. Section 633.02, Florida Statutes, is amended to  
120 read:

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

130 Section 3. Paragraph (b) of subsection (1) of section  
131 633.022, Florida Statutes, is amended to read:

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

141 (1) The department shall establish uniform firesafety  
142 standards that apply to:

143 (b) All new, existing, and proposed hospitals, nursing  
144 homes, assisted living facilities, adult family-care homes,  
145 correctional facilities, public schools, transient public lodging

37-03578A-08

20082388\_\_

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

154

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

162 Section 4. Section 633.0221, Florida Statutes, is created  
163 to read:

164 633.0221 Firesafety in educational facilities.--

165 (1) UNIFORM FIRESAFETY STANDARDS.--The State Fire Marshal,  
166 in consultation with the Department of Education, shall adopt  
167 uniform firesafety standards for educational and ancillary plants  
168 and educational facilities, as provided in s. 633.022(1)(b), and  
169 a firesafety evaluation system to be used as an alternate  
170 firesafety inspection standard for existing educational and  
171 ancillary plants and educational facilities. The uniform  
172 firesafety standards and the alternate firesafety evaluation  
173 system shall be administered and enforced by local fire  
174 officials. These standards shall be used by all public agencies

37-03578A-08

20082388\_\_

175 when inspecting public educational and ancillary plants, and the  
176 firesafety standards shall be used by local fire officials when  
177 performing firesafety inspections of public educational and  
178 ancillary plants and educational facilities.

179 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
180 BOARDS.--

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

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

197 (3) INSPECTION OF EDUCATIONAL PROPERTY BY THE STATE FIRE  
198 MARSHAL.--

199 (a) One firesafety inspection of each educational or  
200 ancillary plant must be conducted each fiscal year by the county,  
201 municipality, or special fire control district in which the plant  
202 is located using the standards adopted by the State Fire Marshal.  
203 The board shall cooperate with the inspecting authority when a

37-03578A-08

20082388\_\_

204 firesafety inspection is made by a governmental authority under  
205 this paragraph.

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

216 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
217 FACILITIES.--

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

220 (b) Firesafety inspections of state universities shall  
221 comply with rules of the State Fire Marshal related to state-  
222 owned buildings.

223 (5) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon  
224 failure of the board to take corrective action within the time  
225 designated in the plan of action to correct any firesafety  
226 deficiency noted under paragraph (2) (b) or paragraph (3) (b), the  
227 local fire official shall immediately report the deficiency to  
228 the State Fire Marshal, who shall have enforcement authority with  
229 respect to educational and ancillary plants and educational  
230 facilities as provided in this chapter for a violation or  
231 deficiency of any other building, structure, or facility.

37-03578A-08

20082388\_\_

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

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

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

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

249       Section 5. Section 633.03, Florida Statutes, is amended to  
250 read:

251       633.03 Investigation of fires and explosions ~~fire~~;  
252 reports.--The State Fire Marshal shall investigate the cause,  
253 origin, and circumstances of every fire or explosion occurring in  
254 this state wherein the State Fire Marshal deems an investigation  
255 is necessary and ~~property has been damaged or destroyed~~ where  
256 there is probable cause to believe that the fire or explosion was  
257 the result of carelessness or design. Report of all such  
258 investigations shall be made on approved forms to be furnished by  
259 the State Fire Marshal ~~fire marshal~~.

37-03578A-08

20082388\_\_

260 Section 6. Section 633.081, Florida Statutes, is amended to  
261 read:

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

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

286 (2) Every firesafety inspection conducted pursuant to state  
287 or local firesafety requirements shall be by a person certified

37-03578A-08

20082388\_\_

288 as having met the inspection training requirements set by the  
289 State Fire Marshal. Such person shall:

290 (a) Be a high school graduate or the equivalent as  
291 determined by the department;

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

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

300 (d) Have good moral character as determined by the  
301 department;

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

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

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

311 2. Have received in another state training which is  
312 determined by the department to be at least equivalent to that  
313 required by the department for approved firesafety inspector  
314 education and training programs in this state.

315 (3)(a)1. Effective July 1, 2011, the classification of  
316 special state firesafety inspector is abolished and all special

37-03578A-08

20082388\_\_

317 state firesafety inspector certifications expire at midnight June  
318 30, 2011.

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

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

325 (b)1. Any person who is a special state firesafety  
326 inspector on July 1, 2008, and who has at least 5 years'  
327 experience as a special state firesafety inspector as of July 1,  
328 2008, may take the same firesafety inspection examination as  
329 provided in paragraph (2) (f) for firesafety inspectors prior to  
330 July 1, 2011, to be certified as a firesafety inspector described  
331 in subsection (2).

332 2. Upon passing the examination, such person shall be  
333 certified as a firesafety inspector as provided in subsection  
334 (2).

335 3. Failure to obtain certification requires compliance with  
336 paragraph (c) to be certified as a firesafety inspector as  
337 provided in subsection (2).

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

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

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

37-03578A-08

20082388\_\_

346  
347 must take an additional 80 hours of the courses described in  
348 paragraph (2) (g).

349 2. After successfully completing the courses described in  
350 this paragraph, such person is permitted to take the firesafety  
351 inspection examination described in paragraph (2) (f), provided  
352 such examination is taken prior to July 1, 2011.

353 3. Upon passing the examination, such person shall become  
354 certified as a firesafety inspector as provided in subsection  
355 (2).

356 4. A person who fails the course of study or the  
357 examination described in this paragraph may not perform any  
358 firesafety inspection required by law on or after July 1, 2011.  
359 ~~Each special state firesafety inspection which is required by law~~  
360 ~~and is conducted by or on behalf of an agency of the state must~~  
361 ~~be performed by an individual who has met the provision of~~  
362 ~~subsection (2), except that the duration of the training program~~  
363 ~~shall not exceed 120 hours of specific training for the type of~~  
364 ~~property that such special state firesafety inspectors are~~  
365 ~~assigned to inspect.~~

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

37-03578A-08

20082388\_\_

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

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

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

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

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

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

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

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

401 (g) Making or filing a report or record that the  
402 certificateholder knows to be false, or knowingly inducing

37-03578A-08

20082388\_\_

403 another to file a false report or record, or knowingly failing to  
404 file a report or record required by state or local law, or  
405 knowingly impeding or obstructing such filing, or knowingly  
406 inducing another person to impede or obstruct such filing.

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

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

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

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

429 (9) The Division of State Fire Marshal may enter into a  
430 reciprocity agreement with the Florida Building Code  
431 Administrators and Inspectors Board, established pursuant to s.

37-03578A-08

20082388\_\_

432 468.605, to facilitate joint recognition of continuing education  
433 recertification hours for certificateholders licensed in  
434 accordance with s. 468.609 and firesafety inspectors certified in  
435 accordance with subsection (2).

436 Section 7. Paragraph (a) of subsection (1) and subsections  
437 (2), (3), and (4) of section 633.085, Florida Statutes, are  
438 amended to read:

439 633.085 Inspections of state buildings and premises; tests  
440 of firesafety equipment; building plans to be approved.--

441 (1)(a) It is the duty of the State Fire Marshal and her or  
442 his agents to inspect, or cause to be inspected, each state-owned  
443 building and each building located on land owned by the state and  
444 used primarily for state purposes as determined by the State Fire  
445 Marshal, such buildings to be referred to in this section as a  
446 state-owned building or state-owned buildings, on a recurring  
447 basis established by rule, and to ensure that high-hazard  
448 occupancies are inspected at least annually, for the purpose of  
449 ascertaining and causing to be corrected any conditions liable to  
450 cause fire or endanger life from fire and any violation of the  
451 firesafety standards for state-owned buildings, the provisions of  
452 this chapter, or the rules or regulations adopted and promulgated  
453 pursuant hereto. The State Fire Marshal shall, within 7 days  
454 following an inspection, submit a report of such inspection to  
455 the head of the department of state government responsible for  
456 the building.

457 (2) The State Fire Marshal and her or his agents may ~~shall~~  
458 conduct performance tests on any electronic fire warning and  
459 smoke detection system, and any pressurized air-handling unit, in  
460 any state-owned building or state-leased space on a recurring

37-03578A-08

20082388\_\_

461 basis as provided in subsection (1). The State Fire Marshal and  
462 her or his agents shall also ensure that fire drills are  
463 conducted in all high hazard state-owned buildings or high hazard  
464 state-leased ~~high-hazard~~ occupancies at least annually.

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

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

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

484 (4) The Division of State Fire Marshal may inspect state-  
485 owned buildings ~~space~~ and state-leased space as necessary prior  
486 to occupancy or during construction, renovation, or alteration to  
487 ascertain compliance with the uniform firesafety standards.  
488 Whenever the Division of State Fire Marshal determines by virtue  
489 of such inspection or by review of plans that construction,

37-03578A-08

20082388\_\_

490 renovation, or alteration of state-owned buildings and state-  
491 leased space is not in compliance with the uniform firesafety  
492 standards, the Division of State Fire Marshal shall issue an  
493 order to cease construction, renovation, or alteration, or to  
494 preclude occupancy, of a building until compliance is obtained,  
495 except for those activities required to achieve such compliance.

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

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

500 (1) The State Fire Marshal may in his or her discretion  
501 take or cause to be taken the testimony on oath of all persons  
502 whom he or she believes to be cognizant of any facts in relation  
503 to matters under investigation. The State Fire Marshal may  
504 administer oaths and affirmations, request the attendance of  
505 witnesses or proffering of matter, and collect evidence.

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

516 (3) (a) The State Fire Marshal may request that an  
517 individual who refuses to comply with any request made under  
518 subsection (2) be ordered by the circuit court to provide the

37-03578A-08

20082388\_\_

519 testimony or matter. The court shall not order such compliance  
520 unless the State Fire Marshal has demonstrated to the  
521 satisfaction of the court that the testimony of the witness or  
522 the matter under request has a direct bearing on matter under the  
523 jurisdiction of the State Fire Marshal, constitutes a felony or  
524 misdemeanor under this chapter, the Florida Insurance Code, or a  
525 fraudulent insurance act, or is pertinent and necessary to  
526 further such investigation.

527 (b) Except in a prosecution for perjury, an individual who  
528 complies with a court order to provide testimony or matter after  
529 asserting a privilege against self-incrimination to which the  
530 individual is entitled by law may not be subjected to a criminal  
531 proceeding or to a civil penalty with respect to the act  
532 concerning which the individual is required to testify or produce  
533 relevant matter.

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

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

37-03578A-08

20082388\_\_

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

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

555       4. Other actions taken in cooperation with any of the  
556 agencies or individuals specified in this paragraph in the lawful  
557 investigation of violations under the jurisdiction of the State  
558 Fire Marshal, suspected violations of the Florida Insurance Code,  
559 or suspected fraudulent insurance acts.

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

37-03578A-08

20082388\_\_

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

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

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

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

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

603 (5)(a) Papers, documents, reports, or evidence relative to  
604 the subject of an investigation under this section shall not be

37-03578A-08

20082388\_\_

605 subject to discovery until the investigation is completed or  
606 ceases to be active. Agents of the State Fire Marshal shall not  
607 be subject to subpoena in civil actions by any court of this  
608 state to testify concerning any matter of which they have  
609 knowledge pursuant to a pending investigation by the State Fire  
610 Marshal.

611 (b) Physical evidence that is not capable of being copied  
612 or reproduced shall not constitute a public record and shall be  
613 disposed of in accordance with s. 705.105. During the pendency of  
614 an active investigation, physical evidence shall not be subject  
615 to subpoena until the investigation is completed or ceases to be  
616 active, unless the State Fire Marshal consents to release of the  
617 physical evidence.

618 (6) Any person, other than an insurer, agent, or other  
619 person licensed under the Florida Insurance Code, or an employee  
620 of such licensee, having knowledge or a belief that a crime  
621 involving arson, a destructive device, a fraudulent insurance  
622 act, or any other act or practice which, upon conviction,  
623 constitutes a felony or a misdemeanor under this chapter, the  
624 Florida Insurance Code, or s. 817.233 is being or has been  
625 committed may submit to the State Fire Marshal a report or  
626 information pertinent to such knowledge or belief and such  
627 additional information relative to such knowledge or belief as  
628 the State Fire Marshal may request. Any insurer, agent, or other  
629 person licensed under the Florida Insurance Code, or an employee  
630 of such licensee, having knowledge or belief that a fraudulent  
631 insurance act or any other act or practice which, upon  
632 conviction, constitutes a felony or a misdemeanor under this  
633 chapter, the Florida Insurance Code, or s. 817.233 is being or

37-03578A-08

20082388\_\_

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

658 (7) Each agent of the State Fire Marshal may make arrests  
659 for criminal violations established as a result of an  
660 investigation and are considered state law enforcement officers  
661 for all purposes and may execute arrest warrants and search  
662 warrants; may serve subpoenas issued for the examination,

37-03578A-08

20082388\_\_

663 investigation, and trial of all offenses; and may arrest upon  
664 probable cause without warrant any person found engaging in any  
665 act constituting a felony or misdemeanor under this chapter, the  
666 Florida Insurance Code, or s. 817.233. Each agent of the State  
667 Fire Marshal may make arrests under this section and may bear  
668 arms in the performance of his or her duties. In such situations,  
669 the agent of the State Fire Marshal must be certified in  
670 compliance with the provisions of s. 943.1395 or must meet the  
671 temporary employment or appointment exemption requirements of s.  
672 943.131 until certified.

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

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

689 ~~(3) The fire marshal may summon and compel the attendance~~  
690 ~~of witnesses before him or her to testify in relation to any~~  
691 ~~manner which is, by the provisions of this chapter, a subject of~~

37-03578A-08

20082388\_\_

692 ~~inquiry and investigation, and he or she may require the~~  
693 ~~production of any book, paper or document deemed pertinent~~  
694 ~~thereto by him or her, and may seize furniture and other personal~~  
695 ~~property to be held for evidence.~~

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

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

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

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

718 633.13 State Fire Marshal; authority of agents.--The  
719 authority given the State Fire Marshal under this chapter or any  
720 rule or order adopted by the State Fire Marshal law may be

37-03578A-08

20082388\_\_

721 exercised by his or her agents, either individually or in  
722 conjunction with any other state or local official charged with  
723 similar responsibilities.

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

726 633.145 Arson and Destructive Device Reward Program.--

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

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

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

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

37-03578A-08

20082388\_\_

750       (5) Determinations by the department to grant or deny a  
751 reward under this section are discretionary on the part of the  
752 department and are final. Such determinations are not agency  
753 actions subject to review under s. 120.569 or s. 120.57 and are  
754 not final orders or appealable in any court of appeal.

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

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

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

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

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

37-03578A-08

20082388\_\_

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

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

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

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

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

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

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

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

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

806 (1) In addition to the other powers granted by this  
807 chapter, the State Fire Marshal or an agent appointed pursuant to

37-03578A-08

20082388\_\_

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

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

822 (b) Any policy premium payment records.

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

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

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

832 (9) For the purposes of this section, a person commits a  
833 fraudulent insurance act if the person knowingly and with intent  
834 to defraud presents, causes to be presented, or prepares with  
835 knowledge or belief that it will be presented, to or by an  
836 insurer, self-insurer, self-insurance fund, servicing

37-03578A-08

20082388\_\_

837 corporation, purported insurer, or broker, or any agent of such  
838 an entity, any written statement as part of, or in support of, an  
839 application for the issuance of, or the rating of, any insurance  
840 policy, or a claim for payment or other benefit pursuant to any  
841 insurance policy, which the person knows to contain materially  
842 false information concerning any fact material to such statement  
843 or claim or if the person conceals, for the purpose of misleading  
844 another, information concerning any fact material to such  
845 statement or claim.

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

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

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

37-03578A-08

20082388\_\_

866 any person, issue an order requiring the person to appear before  
867 the State Fire Marshal's agent or produce accounts, records,  
868 memoranda or other evidence, as so ordered, or to give evidence  
869 touching any matter pertinent to any complaint or the subject of  
870 any inquiry or investigation, and any failure to obey such order  
871 of the court shall be punished by the court as a contempt  
872 thereof.

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

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

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

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

892 (3) ~~(4)~~ "Council" means the Firefighters Employment,  
893 Standards, and Training Council.

37-03578A-08

20082388\_\_

894        ~~(4)(3)~~ "Department" means the Department of Financial  
895 Services.

896        ~~(5)(5)~~ "Division" means the Division of State Fire Marshal  
897 of the Department of Financial Services.

898        ~~(6)(2)~~ "Employing agency" means any municipality or county,  
899 the state, or any political subdivision of the state, including  
900 authorities and special districts, employing firefighters ~~as~~  
901 ~~defined in subsection (1).~~

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

904        ~~(8)(1)~~ "Firefighter" means any person ~~initially employed as~~  
905 ~~a full-time professional firefighter by any employing agency, as~~  
906 ~~defined herein,~~ whose primary responsibility is the prevention  
907 and extinguishment of fires, the protection and saving of life  
908 and property, and the enforcement of municipal, county, and state  
909 fire prevention codes, as well as of any law pertaining to the  
910 prevention and control of fires.

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

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

921        (11) "Fireground resource technician" means a volunteer  
922 exterior firefighter or support person who is not qualified by

37-03578A-08

20082388\_\_

923 certification to be an interior firefighter but who has completed  
924 a course of instruction in accordance with the division's rules.  
925 Fireground resource technician is the minimum level of  
926 certification to function on the fireground in accordance with  
927 division rules.

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

930 633.34 Firefighters; qualifications for employment.--

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

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

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

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

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

944  
945 If an applicant has been sentenced for any conviction of a felony  
946 or a misdemeanor, the applicant is not eligible for certification  
947 until 4 years after the expiration of any sentence. If a sentence  
948 is suspended or adjudication is withheld and a period of  
949 probation is imposed, the applicant must have been released from  
950 probation. ~~Neither have been convicted of a felony or of a~~  
951 ~~misdemeanor directly related to the position of employment~~

37-03578A-08

20082388\_\_

952 ~~sought, nor have pled nolo contendere to any charge of a felony.~~  
953 ~~If an applicant has been convicted of a felony, such applicant~~  
954 ~~must be in compliance with s. 112.011(2)(b). If an applicant has~~  
955 ~~been convicted of a misdemeanor directly related to the position~~  
956 ~~of employment sought, such applicant shall be excluded from~~  
957 ~~employment for a period of 4 years after expiration of sentence.~~  
958 ~~If the sentence is suspended or adjudication is withheld in a~~  
959 ~~felony charge or in a misdemeanor directly related to the~~  
960 ~~position or employment sought and a period of probation is~~  
961 ~~imposed, the applicant must have been released from probation.~~

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

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

970 (d)(5) Be in good physical condition as determined by a  
971 medical examination given by a physician, surgeon, or physician  
972 assistant licensed to practice in the state pursuant to chapter  
973 458; an osteopathic physician, surgeon, or physician assistant  
974 licensed to practice in the state pursuant to chapter 459; or an  
975 advanced registered nurse practitioner licensed to practice in  
976 the state pursuant to chapter 464, who are aware of and familiar  
977 with the medical requirements for training and certification as  
978 stated in department rule. Such examination may include, but need  
979 not be limited to, provisions of the National Fire Protection  
980 Association Standard 1582. Results of this A medical examination

37-03578A-08

20082388\_\_

981 | evidencing good physical condition shall be submitted to the  
982 | division, on a form as provided by rule, before an individual is  
983 | eligible for admission into a firefighter training program as  
984 | defined in s. 633.35.

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

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

996 | Section 18. Section 633.35, Florida Statutes, is amended to  
997 | read:

998 | 633.35 Firefighter training and certification.--

999 | (1) The division shall establish by rule a firefighter  
1000 | training programs for certification as a fireground resource  
1001 | technician, an apprentice firefighter, a firefighter I, or a  
1002 | firefighter II, to be ~~program of not less than 360 hours,~~  
1003 | administered by such agencies and institutions as approved by the  
1004 | division in accordance with division rules, it approves for the  
1005 | purpose of providing ~~basic employment~~ training for firefighters.  
1006 | Nothing herein shall require a public employer to pay the cost of  
1007 | such training.

1008 | (2) The division shall issue certificates ~~a certificate~~ of  
1009 | compliance for certification as a fireground resource technician,

37-03578A-08

20082388\_\_

1010 an apprentice firefighter, a firefighter I, or a firefighter II  
1011 to any person who has satisfactorily completed ~~complying with~~ the  
1012 training programs ~~program~~ established in subsection (1), who has  
1013 successfully passed an examination as prescribed by the division,  
1014 and who possesses the qualifications specified ~~for employment~~ in  
1015 s. 633.34, ~~except s. 633.34(5)~~. A ~~No~~ person may not be employed  
1016 as a career ~~regular or permanent~~ firefighter by an employing  
1017 agency, or by a private entity under contract with the state or  
1018 any political subdivision of the state, including authorities and  
1019 special districts, unless certified as a firefighter II, except  
1020 for an individual hired to be trained and become certified as a  
1021 firefighter II. An individual hired to be trained and become  
1022 certified as a firefighter II has a maximum of, ~~for a period of~~  
1023 ~~time in excess of~~ 1 year from the date of initial employment to  
1024 obtain the firefighter II ~~until he or she has obtained such~~  
1025 certificate of compliance. A person who does not hold a  
1026 firefighter II certificate of compliance and is employed under  
1027 this section may not directly engage in hazardous operations,  
1028 such as interior structural firefighting or ~~and~~ hazardous-  
1029 materials-incident mitigation, requiring the knowledge and skills  
1030 taught in a training program established in subsection (1),  
1031 including incident command. However, a person who is certified  
1032 and has been employed by ~~served as a volunteer firefighter with~~  
1033 the state or any political subdivision of the state, including  
1034 authorities and special districts, who is then employed as a  
1035 career ~~regular or permanent~~ firefighter may function, during this  
1036 period, in the same capacity in which he or she acted prior to  
1037 being employed as a career firefighter ~~as a volunteer~~

37-03578A-08

20082388\_\_

1038 ~~firefighter, provided that he or she has completed all training~~  
1039 ~~required by the volunteer organization.~~

1040 (3) The division may issue a certificate of compliance at  
1041 the firefighter I or firefighter II level to any person who has  
1042 received basic employment training for firefighters in another  
1043 state when the division has determined that such training was at  
1044 least equivalent to that required by the division for approved  
1045 firefighter education and training programs in this state and  
1046 when such person has satisfactorily complied with all other  
1047 requirements of this section. The division may also issue a  
1048 special certificate to a person who is otherwise qualified under  
1049 this section and who is employed as the administrative and  
1050 command head of a fire/rescue/emergency services organization,  
1051 based on the acknowledgment that such person is less likely to  
1052 need physical dexterity and more likely to need advanced  
1053 knowledge of firefighting and supervisory skills. The certificate  
1054 is valid only while the person is serving in a position as an  
1055 administrative and command head of a fire/rescue/emergency  
1056 services organization and must be obtained prior to employment in  
1057 such capacity.

1058 (4) A person who fails an examination given under this  
1059 section may retake the examination once within 6 months after the  
1060 original examination date. An applicant who does not pass ~~retake~~  
1061 the examination within such time must repeat or take the  
1062 applicable training program ~~Minimum Standards Course~~, pursuant to  
1063 subsection (1), before being reexamined. The division may  
1064 establish reasonable preregistration deadlines for such  
1065 reexaminations.

37-03578A-08

20082388\_\_

1066 (5) Pursuant to s. 590.02(1)(e), the division shall  
1067 establish a structural fire training program of not less than 40  
1068 hours. The division shall issue to any person satisfactorily  
1069 complying with this training program and who has successfully  
1070 passed an examination as prescribed by the division and who has  
1071 met the requirements of s. 590.02(1)(e) a Certificate of Forestry  
1072 Firefighter.

1073 (6) A certified forestry firefighter is entitled to the  
1074 same rights, privileges, and benefits provided for by law as a  
1075 certified firefighter.

1076 Section 19. Section 633.351, Florida Statutes, is amended  
1077 to read:

1078 633.351 Disciplinary action; firefighters; standards for  
1079 revocation of certification.--

1080 (1) The certification of a firefighter shall be revoked if  
1081 evidence is found that the certification was improperly issued by  
1082 the division or if evidence is found that the certification was  
1083 issued on the basis of false, incorrect, incomplete, or  
1084 misleading information.

1085 (2) The certification of a firefighter who has been  
1086 adjudicated guilty of, or pled guilty or nolo contendere to, any  
1087 felony, or any misdemeanor involving moral turpitude, dishonest  
1088 acts, or misleading or false statements relating to the  
1089 certification or employment as a firefighter, shall be revoked.  
1090 In the case of a felony, the certification may not be reinstated  
1091 is convicted of a felony, or who is convicted of a misdemeanor  
1092 relating to misleading or false statements, or who pleads nolo  
1093 contendere to any charge of a felony shall be revoked until the  
1094 firefighter complies with s. 112.011(2)(b). However, if sentence

37-03578A-08

20082388\_\_

1095 upon such felony or such misdemeanor charge is suspended or  
1096 adjudication is withheld, the firefighter's certification shall  
1097 be revoked until she or he completes any probation.

1098 Section 20. Section 633.352, Florida Statutes, is amended  
1099 to read:

1100 633.352 Retention of firefighter certification.--

1101 (1) Any certified firefighter who has not been active as a  
1102 firefighter, or as a volunteer firefighter with an organized fire  
1103 department, for a period of 3 years shall be required to retake  
1104 and pass the written and practical portions ~~portion~~ of the  
1105 ~~minimum standards state~~ examination specified in division rules.

1106 ~~rule 4A-37.056(6)(b), Florida Administrative Code, in order to~~  
1107 ~~maintain her or his certification as a firefighter; however,~~

1108 (2) This requirement does not apply to state-certified  
1109 firefighters who are certified and employed as full-time fire  
1110 safety inspectors by a fire department employing agency  
1111 ~~instructors, as determined by the division.~~

1112 (3) The 3-year period begins on the date the certificate of  
1113 compliance is issued, ~~or~~ upon termination of service with an  
1114 organized fire department, or upon expiration of instructor  
1115 certification.

1116 Section 21. Subsections (1), (2), and (3) of section  
1117 633.382, Florida Statutes, are amended to read:

1118 633.382 Firefighters; supplemental compensation.--

1119 (1) DEFINITIONS.--As used in this section, the term:

1120 (a) "Employing agency" means any municipality or any  
1121 county, the state, or any political subdivision of the state,  
1122 including authorities and special districts employing  
1123 firefighters.

37-03578A-08

20082388\_\_

1124 (b) "Firefighter" means any person who meets the definition  
1125 ~~of the term "firefighter" in s. 633.30(2) and (10)(1) who is~~  
1126 ~~certified in compliance with s. 633.35 and~~ who is employed solely  
1127 within the fire department of the employing agency or is employed  
1128 by the division.

1129 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1130 (a) In addition to the compensation now paid by an  
1131 employing agency to a any firefighter II, every career  
1132 firefighter shall be paid supplemental compensation by the  
1133 employing agency when such firefighter has complied with one of  
1134 the following criteria:

1135 1. Any firefighter II who receives an associate degree from  
1136 an accredited a college, which degree is applicable to fire  
1137 department duties, as outlined in policy guidelines of the  
1138 division, shall be additionally compensated as outlined in  
1139 paragraph (3) (a).

1140 2. Any firefighter II, regardless of whether or not she or  
1141 he earned an associate degree earlier, who receives from an  
1142 accredited college or university a bachelor's degree, which  
1143 bachelor's degree is applicable to fire department duties, as  
1144 outlined in policy guidelines of the division, shall receive  
1145 compensation as outlined in paragraph (3) (b).

1146 3. Any firefighter II who receives from an accredited  
1147 college or university a master's degree, which master's degree is  
1148 applicable to fire department duties, as outlined in policy  
1149 guidelines of the division, shall receive compensation as  
1150 outlined in paragraph (3) (c).

1151 (b) Whenever any question arises as to the eligibility of  
1152 any firefighter to receive supplemental compensation as provided

37-03578A-08

20082388\_\_

1153 in this section, the question, together with all facts relating  
1154 thereto, shall be submitted to the division for determination,  
1155 and the decision of the division with regard to determination of  
1156 eligibility shall be final, subject to the provisions of chapter  
1157 120.

1158 (3) SUPPLEMENTAL COMPENSATION.--Supplemental compensation  
1159 shall be determined as follows:

1160 (a) Fifty dollars shall be paid monthly to each firefighter  
1161 who qualifies under the provisions of subparagraph (2)(a)1.

1162 (b) One hundred and ten dollars shall be paid monthly to  
1163 each firefighter who qualifies under the provisions of  
1164 subparagraph (2)(a)2.

1165 (c) One hundred and fifty dollars shall be paid monthly to  
1166 each firefighter who qualifies under subparagraph (2)(a)3.

1167 Section 22. Subsection (3) is added to section 633.524,  
1168 Florida Statutes, to read:

1169 633.524 Certificate and permit fees; use and deposit of  
1170 collected funds.--

1171 (3) The State Fire Marshal may enter into a contract with  
1172 any qualified public entity or private company in accordance with  
1173 chapter 287 to provide examinations for any applicant for any  
1174 examination administered under the jurisdiction of the State Fire  
1175 Marshal under this chapter or any other chapter under the  
1176 jurisdiction of the State Fire Marshal. The State Fire Marshal  
1177 may have payments from each applicant for each examination made  
1178 directly to such public entity or private company.

1179 Section 23. Subsections (1) and (4) of section 633.541,  
1180 Florida Statutes, are amended to read:

37-03578A-08

20082388\_\_

1181           633.541 Contracting without certificate prohibited;  
1182 violations; penalty.--

1183           (1) It is unlawful for any organization or individual to  
1184 engage in, or to engage in the business of, the layout,  
1185 fabrication, installation, inspection, alteration, repair, or  
1186 service of a fire protection system, other than a preengineered  
1187 system, act in the capacity of a fire protection contractor, or  
1188 advertise itself as being a fire protection contractor without  
1189 having been duly certified and holding a valid and existing  
1190 certificate, except as hereinafter provided. The holder of a  
1191 certificate used to qualify an organization must be a full-time  
1192 employee of the qualified organization or business. A  
1193 certificateholder who is employed by more than one fire  
1194 protection contractor during the same period of time is deemed  
1195 not to be a full-time employee of either contractor. The State  
1196 Fire Marshal shall revoke, for a period of time determined by the  
1197 State Fire Marshal, the certificate of a certificateholder who  
1198 allows the use of the certificate to qualify a company of which  
1199 the certificateholder is not a full-time employee. A contractor  
1200 who maintains more than one place of business must employ a  
1201 certificateholder at each location. Nothing in this subsection  
1202 prohibits an employee acting on behalf of governmental entities  
1203 from inspecting and enforcing firesafety codes, provided such  
1204 employee is certified under s. 633.081, or an owner of a one or  
1205 two family dwelling from inspecting or maintaining the fire  
1206 protection system for his or her own house.

1207           (4) In addition to the penalties provided in subsection  
1208 (3), a fire protection contractor certified under this chapter  
1209 who violates any provision of this chapter ~~section~~ or who commits

37-03578A-08

20082388\_\_

1210 any act constituting cause for disciplinary action is subject to  
1211 suspension or revocation of the certificate and administrative  
1212 fines pursuant to s. 633.547.

1213 Section 24. Section 633.811, Florida Statutes, is amended  
1214 to read:

1215 633.811 Firefighter employer penalties.--If any firefighter  
1216 employer violates or fails or refuses to comply with ss. 633.801-  
1217 633.821, or with any rule adopted by the division under such  
1218 sections in accordance with chapter 120 for the prevention of  
1219 injuries, accidents, or occupational diseases or with any lawful  
1220 order of the division in connection with ss. 633.801-633.821, or  
1221 fails or refuses to furnish or adopt any safety device,  
1222 safeguard, or other means of protection prescribed by division  
1223 rule under ss. 633.801-633.821 for the prevention of accidents or  
1224 occupational diseases, the division may issue an administrative  
1225 cease and desist order, enforceable in the circuit court in the  
1226 jurisdiction where the violation is occurring or has occurred,  
1227 and assess an administrative fine against a firefighter employer  
1228 of not less than \$100 nor more than \$1,000 for each violation and  
1229 each day of each violation. The administrative penalty assessment  
1230 shall be subject to the provisions of chapter 120. The division  
1231 may also assess against the firefighter employer a civil penalty  
1232 of not less than \$100 nor more than \$5,000 for each day the  
1233 violation, omission, failure, or refusal continues after the  
1234 firefighter employer has been given written notice of such  
1235 violation, omission, failure, or refusal. The total penalty for  
1236 each violation shall not exceed \$50,000. The division shall adopt  
1237 rules requiring penalties commensurate with the frequency or  
1238 severity of safety violations. A hearing shall be held in the

37-03578A-08

20082388\_\_

1239 county in which the violation, omission, failure, or refusal is  
1240 alleged to have occurred, unless otherwise agreed to by the  
1241 firefighter employer and authorized by the division. All  
1242 penalties assessed and collected under this section shall be  
1243 deposited in the Insurance Regulatory Trust Fund.

1244 Section 25. Subsection (3) of section 633.821, Florida  
1245 Statutes, is amended to read:

1246 633.821 Workplace safety.--

1247 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
1248 individuals located outside the immediately dangerous to life and  
1249 health atmosphere may be assigned to an additional role, such as  
1250 incident commander, pumper operator, engineer, or driver, so long  
1251 as such individual is able to immediately perform assistance or  
1252 rescue activities without jeopardizing the safety or health of  
1253 any firefighter working at an incident. ~~Also with respect to 29~~  
1254 ~~C.F.R. s. 1910.134(g)(4):~~

1255 ~~(a) Each county, municipality, and special district shall~~  
1256 ~~implement such provision by April 1, 2002, except as provided in~~  
1257 ~~paragraphs (b) and (c).~~

1258 ~~(b) If any county, municipality, or special district is~~  
1259 ~~unable to implement such provision by April 1, 2002, without~~  
1260 ~~adding additional personnel to its firefighting staff or~~  
1261 ~~expending significant additional funds, such county,~~  
1262 ~~municipality, or special district shall have an additional 6~~  
1263 ~~months within which to implement such provision. Such county,~~  
1264 ~~municipality, or special district shall notify the division that~~  
1265 ~~the 6-month extension to implement such provision is in effect in~~  
1266 ~~such county, municipality, or special district within 30 days~~  
1267 ~~after its decision to extend the time for the additional 6~~

37-03578A-08

20082388\_\_

1268 months. The decision to extend the time for implementation shall  
1269 be made prior to April 1, 2002.

1270 ~~(c) If, after the extension granted in paragraph (b), the~~  
1271 ~~county, municipality, or special district, after having worked~~  
1272 ~~with and cooperated fully with the division and the Firefighters~~  
1273 ~~Employment, Standards, and Training Council, is still unable to~~  
1274 ~~implement such provisions without adding additional personnel to~~  
1275 ~~its firefighting staff or expending significant additional funds,~~  
1276 ~~such municipality, county, or special district shall be exempt~~  
1277 ~~from the requirements of 29 C.F.R. s. 1910.134(g)(4). However,~~  
1278 ~~each year thereafter the division shall review each such county,~~  
1279 ~~municipality, or special district to determine if such county,~~  
1280 ~~municipality, or special district has the ability to implement~~  
1281 ~~such provision without adding additional personnel to its~~  
1282 ~~firefighting staff or expending significant additional funds. If~~  
1283 ~~the division determines that any county, municipality, or special~~  
1284 ~~district has the ability to implement such provision without~~  
1285 ~~adding additional personnel to its firefighting staff or~~  
1286 ~~expending significant additional funds, the division shall~~  
1287 ~~require such county, municipality, or special district to~~  
1288 ~~implement such provision. Such requirement by the division under~~  
1289 ~~this paragraph constitutes final agency action subject to chapter~~  
1290 ~~120.~~

1291 Section 26. Section 1013.12, Florida Statutes, is amended  
1292 to read:

1293 1013.12 Casualty, safety, sanitation, and firesafety  
1294 standards and inspection of property.--

1295 (1) FIRESAFETY.--The State Board of Education shall adopt  
1296 and administer rules prescribing standards for the safety and

37-03578A-08

20082388\_\_

1297 health of occupants of educational and ancillary plants as a part  
1298 of State Requirements for Educational Facilities or the Florida  
1299 Building Code for educational facilities construction as provided  
1300 in s. 1013.37, ~~except that the State Fire Marshal in consultation~~  
1301 ~~with the Department of Education shall adopt uniform firesafety~~  
1302 ~~standards for educational and ancillary plants and educational~~  
1303 ~~facilities, as provided in s. 633.022(1)(b), and a firesafety~~  
1304 ~~evaluation system to be used as an alternate firesafety~~  
1305 ~~inspection standard for existing educational and ancillary plants~~  
1306 ~~and educational facilities. The uniform firesafety standards and~~  
1307 ~~the alternate firesafety evaluation system shall be administered~~  
1308 ~~and enforced by local fire officials. These standards must be~~  
1309 ~~used by all public agencies when inspecting public educational~~  
1310 ~~and ancillary plants, and the firesafety standards must be used~~  
1311 ~~by local fire officials when performing firesafety inspections of~~  
1312 ~~public educational and ancillary plants and educational~~  
1313 ~~facilities. In accordance with such standards, each board shall~~  
1314 ~~prescribe policies and procedures establishing a comprehensive~~  
1315 ~~program of safety and sanitation for the protection of occupants~~  
1316 ~~of public educational and ancillary plants. Such policies must~~  
1317 ~~contain procedures for periodic inspections as prescribed in this~~  
1318 ~~section and for withdrawal of any educational and ancillary~~  
1319 ~~plant, or portion thereof, from use until unsafe or unsanitary~~  
1320 ~~conditions are corrected or removed.~~

1321 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
1322 BOARDS.--

1323 ~~(a)~~ Each board shall provide for periodic inspection, other  
1324 than firesafety inspection, of each educational and ancillary  
1325 plant at least once during each fiscal year to determine

37-03578A-08

20082388\_\_

1326 compliance with standards of sanitation and casualty safety  
1327 prescribed in the rules of the State Board of Education.

1328 ~~(b) Firesafety inspections of each educational and~~  
1329 ~~ancillary plant must be made annually by persons certified by the~~  
1330 ~~Division of State Fire Marshal to be eligible to conduct~~  
1331 ~~firesafety inspections in public educational and ancillary~~  
1332 ~~plants. The board shall submit a copy of the firesafety~~  
1333 ~~inspection report to the State Fire Marshal and, if there is a~~  
1334 ~~local fire official who conducts firesafety inspections, to the~~  
1335 ~~local fire official.~~

1336 ~~(c) In each firesafety inspection report, the board shall~~  
1337 ~~include a plan of action and a schedule for the correction of~~  
1338 ~~each deficiency which have been formulated in consultation with~~  
1339 ~~the local fire control authority. If immediate life-threatening~~  
1340 ~~deficiencies are noted in any inspection, the board shall either~~  
1341 ~~take action to promptly correct the deficiencies or withdraw the~~  
1342 ~~educational or ancillary plant from use until such time as the~~  
1343 ~~deficiencies are corrected.~~

1344 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
1345 AGENCIES.--

1346 ~~(a)~~ A safety or sanitation inspection of any educational or  
1347 ancillary plant may be made at any time by the Department of  
1348 Education or any other state or local agency authorized or  
1349 required to conduct such inspections by either general or special  
1350 law. Each agency conducting inspections shall use the standards  
1351 adopted by the Commissioner of Education in lieu of, and to the  
1352 exclusion of, any other inspection standards prescribed either by  
1353 statute or administrative rule. The agency shall submit a copy of  
1354 the inspection report to the board.

37-03578A-08

20082388\_\_

1355 ~~(b) One firesafety inspection of each educational or~~  
1356 ~~aneillary plant must be conducted each fiscal year by the county,~~  
1357 ~~municipality, or special fire control district in which the plant~~  
1358 ~~is located using the standards adopted by the State Fire Marshal.~~  
1359 ~~The board shall cooperate with the inspecting authority when a~~  
1360 ~~firesafety inspection is made by a governmental authority under~~  
1361 ~~this paragraph.~~

1362 ~~(c) In each firesafety inspection report, the local fire~~  
1363 ~~official in conjunction with the board shall include a plan of~~  
1364 ~~action and a schedule for the correction of each deficiency. If~~  
1365 ~~immediate life-threatening deficiencies are noted in any~~  
1366 ~~inspection, the local fire official shall either take action to~~  
1367 ~~require the board to promptly correct the deficiencies or~~  
1368 ~~withdraw the educational facility from use until the deficiencies~~  
1369 ~~are corrected, subject to review by the State Fire Marshal who~~  
1370 ~~shall act within 10 days to ensure that the deficiencies are~~  
1371 ~~corrected or withdraw the facility from use.~~

1372 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY  
1373 DEFICIENCIES.--Upon failure of the board to take corrective  
1374 action within a reasonable time, the agency making the  
1375 inspection, other than a local fire official, may request the  
1376 commissioner to:

1377 (a) Order that appropriate action be taken to correct all  
1378 deficiencies in accordance with a schedule determined jointly by  
1379 the inspecting authority and the board; in developing the  
1380 schedule, consideration must be given to the seriousness of the  
1381 deficiencies and the ability of the board to obtain the necessary  
1382 funds; or

37-03578A-08

20082388\_\_

1383 (b) After 30 calendar days' notice to the board, order all  
1384 or a portion of the educational or ancillary plant withdrawn from  
1385 use until the deficiencies are corrected.

1386 ~~(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION~~  
1387 ~~FACILITIES.--~~

1388 ~~(a) Firesafety inspections of community college facilities~~  
1389 ~~shall comply with State Board of Education rules.~~

1390 ~~(b) Firesafety inspections of state universities shall~~  
1391 ~~comply with rules of the Board of Governors.~~

1392 ~~(6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon~~  
1393 ~~failure of the board to take corrective action within the time~~  
1394 ~~designated in the plan of action to correct any firesafety~~  
1395 ~~deficiency noted under paragraph (2) (c) or paragraph (3) (c), the~~  
1396 ~~local fire official shall immediately report the deficiency to~~  
1397 ~~the State Fire Marshal, who shall have enforcement authority with~~  
1398 ~~respect to educational and ancillary plants and educational~~  
1399 ~~facilities as provided in chapter 633 for any other building or~~  
1400 ~~structure.~~

1401 ~~(7) ADDITIONAL STANDARDS.--In addition to any other rules~~  
1402 ~~adopted under this section or s. 633.022, the State Fire Marshal~~  
1403 ~~in consultation with the Department of Education shall adopt and~~  
1404 ~~administer rules prescribing the following standards for the~~  
1405 ~~safety and health of occupants of educational and ancillary~~  
1406 ~~plants:~~

1407 ~~(a) The designation of serious life-safety hazards,~~  
1408 ~~including, but not limited to, nonfunctional fire alarm systems,~~  
1409 ~~nonfunctional fire sprinkler systems, doors with padlocks or~~  
1410 ~~other locks or devices that preclude egress at any time,~~  
1411 ~~inadequate exits, hazardous electrical system conditions,~~

37-03578A-08

20082388\_\_

1412 ~~potential structural failure, and storage conditions that create~~  
1413 ~~a fire hazard.~~

1414 ~~(b) The proper placement of functional smoke and heat~~  
1415 ~~detectors and accessible, unexpired fire extinguishers.~~

1416 ~~(c) The maintenance of fire doors without doorstops or~~  
1417 ~~wedges improperly holding them open.~~

1418 (5) ~~(8)~~ ANNUAL REPORT.--The State Fire Marshal shall publish  
1419 an annual report to be filed with the substantive committees of  
1420 the state House of Representatives and Senate having jurisdiction  
1421 over education, the Commissioner of Education or his or her  
1422 successor, the State Board of Education, the Board of Governors,  
1423 and the Governor documenting the status of each board's  
1424 firesafety program, including the improvement or lack thereof.

1425 Section 27. Paragraph (e) of subsection (1) of section  
1426 218.23, Florida Statutes, is amended to read:

1427 218.23 Revenue sharing with units of local government.--

1428 (1) To be eligible to participate in revenue sharing beyond  
1429 the minimum entitlement in any fiscal year, a unit of local  
1430 government is required to have:

1431 (e) Certified that persons in its employ as firefighters,  
1432 as defined in s. 633.30~~(1)~~, meet the qualification for employment  
1433 as established by the Division of State Fire Marshal pursuant to  
1434 the provisions of ss. 633.34 and 633.35 and that the provisions  
1435 of s. 633.382 have been met.

1436  
1437 Additionally, to receive its share of revenue sharing funds, a  
1438 unit of local government shall certify to the Department of  
1439 Revenue that the requirements of s. 200.065, if applicable, were  
1440 met. The certification shall be made annually within 30 days of

37-03578A-08

20082388\_\_

1441 adoption of an ordinance or resolution establishing a final  
1442 property tax levy or, if no property tax is levied, not later  
1443 than November 1. The portion of revenue sharing funds which,  
1444 pursuant to this part, would otherwise be distributed to a unit  
1445 of local government which has not certified compliance or has  
1446 otherwise failed to meet the requirements of s. 200.065 shall be  
1447 deposited in the General Revenue Fund for the 12 months following  
1448 a determination of noncompliance by the department.

1449 Section 28. Paragraph (b) of subsection (4) of section  
1450 447.203, Florida Statutes, is amended to read:

1451 447.203 Definitions.--As used in this part:

1452 (4) "Managerial employees" are those employees who:

1453 (b) Serve as police chiefs, fire chiefs, or directors of  
1454 public safety of any police, fire, or public safety department.  
1455 Other police officers, as defined in s. 943.10(1), and  
1456 firefighters, as defined in s. 633.30~~(1)~~, may be determined by  
1457 the commission to be managerial employees of such departments. In  
1458 making such determinations, the commission shall consider, in  
1459 addition to the criteria established in paragraph (a), the  
1460 paramilitary organizational structure of the department involved.

1461  
1462 However, in determining whether an individual is a managerial  
1463 employee pursuant to either paragraph (a) or paragraph (b),  
1464 above, the commission may consider historic relationships of the  
1465 employee to the public employer and to coemployees.

1466 Section 29. Section 633.14, Florida Statutes, is repealed.

1467 Section 30. This act shall take effect July 1, 2008.