

By the Committee on Banking and Insurance; and Senator Saunders

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1 A bill to be entitled
2 An act relating to fire prevention and control; amending
3 ss. 218.23 and 447.203, F.S.; revising cross-references;
4 amending s. 553.895, F.S.; revising outdated publication
5 references; amending s. 633.01, F.S.; revising a provision
6 relating to requirements for the State Fire Marshal to
7 make certain firesafety inspections and take certain
8 corrective actions; amending s. 633.02, F.S.; providing
9 the correct name for the State Fire Marshal; amending s.
10 633.022, F.S.; revising provisions relating to uniform
11 firesafety standards to include application to tunnels;
12 revising requirements pertaining to supervised automatic
13 sprinkler systems within nursing homes; creating s.
14 633.0221, F.S.; requiring the State Fire Marshal, in
15 consultation with the Department of Education, to adopt
16 uniform firesafety standards for educational facilities;
17 specifying uniform firesafety standards; providing for
18 periodic inspections of property by district school
19 boards; providing for inspections of educational property
20 by the State Fire Marshal; providing for inspections of
21 public postsecondary education facilities; providing for
22 actions to correct firesafety deficiencies; specifying
23 additional standards; amending s. 633.0245, F.S.; changing
24 the application deadline for participation in the State
25 Fire Marshal Nursing Home Loan Guarantee Program; amending
26 s. 633.025, F.S.; providing requirements for firesafety
27 plans and inspections for manufactured buildings; amending
28 s. 633.03, F.S.; expanding application of authority of the
29 State Fire Marshal to investigate fires to include

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30 | explosions; amending s. 633.061, F.S.; revising the type
31 | of fire suppression equipment in which a person must be
32 | licensed in order to engage in the business of servicing,
33 | inspecting, recharging, hydrotesting, or installing;
34 | revising the requirements for the renewal of a license to
35 | engage in the business of servicing, inspecting,
36 | recharging, hydrotesting, or installing fire suppression
37 | equipment; amending s. 633.081, F.S.; authorizing the
38 | State Fire Marshal to inspect buildings or structures for
39 | certain violations; abolishing special state firesafety
40 | inspector classifications; providing for certification as
41 | a firesafety inspector; providing application and
42 | examination requirements; authorizing the State Fire
43 | Marshal to develop a certain advanced training and
44 | certification program for firesafety inspectors;
45 | authorizing the Division of State Fire Marshal to enter
46 | into a reciprocity agreement with the Florida Building
47 | Code Administrators and Inspectors Board for certain
48 | continuing education recertification purposes; amending s.
49 | 633.085, F.S.; revising requirements for the State Fire
50 | Marshal to inspect state buildings; amending s. 633.101,
51 | F.S.; revising and expanding the authority and powers of
52 | the State Fire Marshal to administer oaths, compel
53 | attendance of witnesses, and collect evidence; providing
54 | certain forms of immunity from liability for certain
55 | actions and persons under certain circumstances; exempting
56 | certain information from discovery under certain
57 | circumstances; exempting agents of the State Fire Marshal
58 | from subpoena under certain circumstances; specifying

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59 | limitations on treatment of physical evidence; authorizing
60 | persons and agents of the State Fire Marshal to submit
61 | certain crime-related reports or information to the State
62 | Fire Marshal; authorizing agents of the State Fire Marshal
63 | to make arrests as state law enforcement officers under
64 | certain circumstances; providing that it is unlawful to
65 | resist arrest; amending s. 633.121, F.S.; expanding the
66 | list of eligible persons authorized to enforce laws and
67 | rules of the State Fire Marshal; amending s. 633.13, F.S.;
68 | revising a provision relating to the authority of agents
69 | of the State Fire Marshal; amending s. 633.14, F.S.;
70 | revising and expanding powers regarding arrests, searches,
71 | and the carrying of firearms by State Fire Marshal agents
72 | and investigators; amending s. 633.161, F.S.; expanding
73 | the list of violations for which the State Fire Marshal
74 | may issue certain enforcement orders; providing criminal
75 | penalties for failure to comply with such orders; amending
76 | s. 633.171, F.S.; conforming a provision; amending s.
77 | 633.175, F.S.; specifying additional powers granted to the
78 | State Fire Marshal; amending s. 633.18, F.S.; revising a
79 | provision relating to conduct of inquiries or
80 | investigations by agents of the State Fire Marshal;
81 | amending s. 633.30, F.S.; revising and providing
82 | definitions; amending s. 633.34, F.S.; revising
83 | requirements for qualification for employment as a
84 | firefighter; amending s. 633.35, F.S.; revising
85 | requirements for firefighter training and certification;
86 | amending s. 633.351, F.S.; revising provisions for
87 | disciplinary actions for firefighters; revising standards

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88 for revocation of firefighter certifications; amending s.
89 633.352, F.S.; revising requirements for retention of
90 firefighter certification; amending s. 633.382, F.S.;
91 revising provisions regarding required supplemental
92 compensation for firefighters; amending s. 633.524, F.S.;
93 authorizing the State Fire Marshal to contract to provide
94 certain examinations; amending s. 633.541, F.S.; expanding
95 an exclusion from application of a prohibition against
96 contracting without certification for certain homeowners;
97 amending s. 633.72, F.S.; revising the membership terms of
98 the Fire Code Advisory Council; amending s. 633.811, F.S.;
99 expanding authority of the division to enforce provisions
100 of law and rules applicable to employers; authorizing
101 assessment of administrative fines; amending s. 633.821,
102 F.S.; deleting certain obsolete provisions requiring
103 counties, municipalities, and special districts to
104 implement certain provisions of federal law; amending s.
105 1013.12, F.S.; revising provisions regarding casualty,
106 safety, sanitation, and firesafety standards and
107 inspections of educational facilities and ancillary plants
108 and reporting requirements; providing an effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Paragraph (e) of subsection (1) of section
113 218.23, Florida Statutes, is amended to read:

114 218.23 Revenue sharing with units of local government.--

115 (1) To be eligible to participate in revenue sharing beyond
116 the minimum entitlement in any fiscal year, a unit of local

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117 government is required to have:

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

123
124 Additionally, to receive its share of revenue sharing funds, a
125 unit of local government shall certify to the Department of
126 Revenue that the requirements of s. 200.065, if applicable, were
127 met. The certification shall be made annually within 30 days of
128 adoption of an ordinance or resolution establishing a final
129 property tax levy or, if no property tax is levied, not later
130 than November 1. The portion of revenue sharing funds which,
131 pursuant to this part, would otherwise be distributed to a unit
132 of local government which has not certified compliance or has
133 otherwise failed to meet the requirements of s. 200.065 shall be
134 deposited in the General Revenue Fund for the 12 months following
135 a determination of noncompliance by the department.

136 Section 2. Paragraph (b) of subsection (4) of section
137 447.203, Florida Statutes, is amended to read:

138 447.203 Definitions.--As used in this part:

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

140 (b) Serve as police chiefs, fire chiefs, or directors of
141 public safety of any police, fire, or public safety department.
142 Other police officers, as defined in s. 943.10(1), and
143 firefighters, as defined in s. 633.30 ~~s. 633.30(1)~~, may be
144 determined by the commission to be managerial employees of such
145 departments. In making such determinations, the commission shall

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146 consider, in addition to the criteria established in paragraph
147 (a), the paramilitary organizational structure of the department
148 involved.

149

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

154 Section 3. Subsection (1) of section 553.895, Florida
155 Statutes, is amended to read:

156 553.895 Firesafety.--

157 (1) Any transient public lodging establishment, as defined
158 in chapter 509 and used primarily for transient occupancy as
159 defined in s. 83.43(10), or any timeshare unit of a timeshare
160 plan as defined in chapters 718 and 721, which is of three
161 stories or more and for which the construction contract has been
162 let after September 30, 1983, with interior corridors which do
163 not have direct access from the guest area to exterior means of
164 egress and on buildings over 75 feet in height that have direct
165 access from the guest area to exterior means of egress and for
166 which the construction contract has been let after September 30,
167 1983, shall be equipped with an automatic sprinkler system
168 installed in compliance with the current edition of the
169 applicable fire sprinkler standards adopted by the State Fire
170 Marshal. ~~the provisions prescribed in the National Fire~~
171 ~~Protection Association publication NFPA No. 13 (1985), "Standards~~
172 ~~for the Installation of Sprinkler Systems."~~ Each guest room and
173 each timeshare unit shall be equipped with an approved listed
174 single-station smoke detector meeting the minimum requirements of

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175 NFPA 72, the current edition adopted by the State Fire Marshal,
176 ~~74 (1984) "Standards for the Installation, Maintenance and Use of~~
177 ~~Household Fire Warning Equipment,"~~ powered from the building
178 electrical service, notwithstanding the number of stories in the
179 structure, if the contract for construction is let after
180 September 30, 1983. Single-station smoke detectors shall not be
181 required when guest rooms or timeshare units contain smoke
182 detectors connected to a central alarm system which also alarms
183 locally.

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

186 633.01 State Fire Marshal; powers and duties; rules.--

187 (7) The State Fire Marshal shall adopt and administer rules
188 prescribing standards for the safety and health of occupants of
189 educational and ancillary facilities pursuant to ss. 633.022,
190 1013.12, 1013.37, and 1013.371. In addition, in any county that
191 does not employ or appoint a local fire official, the State Fire
192 Marshal shall assume the duties of the local fire official with
193 respect to firesafety inspections ~~of educational property~~
194 ~~required under s. 1013.12(3)(b), and the State Fire Marshal may~~
195 ~~take necessary corrective action as authorized under s.~~
196 ~~1013.12(6).~~

197 Section 5. Section 633.02, Florida Statutes, is amended to
198 read:

199 633.02 Agents; powers and duties; compensation.--The State
200 Fire Marshal shall appoint such agents as may be necessary to
201 carry out effectively the provisions of this chapter, who shall
202 be reimbursed for travel expenses as provided in s. 112.061, in
203 addition to their salary, when traveling or making investigations

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204 | in the performance of their duties. Such agents shall be at all
205 | times under the direction and control of the State Fire Marshal,
206 | who shall fix their compensation, and all orders shall be issued
207 | in the State Fire Marshal's name and by her or his authority.

208 | Section 6. Paragraph (b) of subsection (1) and paragraph
209 | (a) of subsection (4) of section 633.022, Florida Statutes, are
210 | amended to read:

211 | 633.022 Uniform firesafety standards.--The Legislature
212 | hereby determines that to protect the public health, safety, and
213 | welfare it is necessary to provide for firesafety standards
214 | governing the construction and utilization of certain buildings
215 | and structures. The Legislature further determines that certain
216 | buildings or structures, due to their specialized use or to the
217 | special characteristics of the person utilizing or occupying
218 | these buildings or structures, should be subject to firesafety
219 | standards reflecting these special needs as may be appropriate.

220 | (1) The department shall establish uniform firesafety
221 | standards that apply to:

222 | (b) All new, existing, and proposed hospitals, nursing
223 | homes, assisted living facilities, adult family-care homes,
224 | correctional facilities, public schools, transient public lodging
225 | establishments, public food service establishments, elevators,
226 | migrant labor camps, mobile home parks, lodging parks,
227 | recreational vehicle parks, recreational camps, residential and
228 | nonresidential child care facilities, facilities for the
229 | developmentally disabled, motion picture and television special
230 | effects productions, tunnels, and self-service gasoline stations,
231 | of which standards the State Fire Marshal is the final
232 | administrative interpreting authority.

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233
234 ~~If In the event~~ there is a dispute between the owners of the
235 buildings specified in paragraph (b) and a local authority
236 requiring a more stringent uniform firesafety standard for
237 sprinkler systems, the State Fire Marshal shall be the final
238 administrative interpreting authority and the State Fire
239 Marshal's interpretation regarding the uniform firesafety
240 standards shall be considered final agency action.

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

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

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

253 Section 7. Section 633.0221, Florida Statutes, is created
254 to read:

255 633.0221 Firesafety in educational facilities.--

256 (1) UNIFORM FIRESAFETY STANDARDS.--The State Fire Marshal,
257 in consultation with the Department of Education, shall adopt
258 uniform firesafety standards for educational and ancillary plants
259 and educational facilities, as provided in s. 633.022(1)(b), and
260 a firesafety evaluation system to be used as an alternate
261 firesafety inspection standard for existing educational and

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262 ancillary plants and educational facilities. The uniform
263 firesafety standards and the alternate firesafety evaluation
264 system shall be administered and enforced by local fire
265 officials. These standards shall be used by all public agencies
266 when inspecting public educational and ancillary plants, and the
267 firesafety standards shall be used by local fire officials when
268 performing firesafety inspections of public educational and
269 ancillary plants and educational facilities.

270 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
271 BOARDS.--

272 (a) Firesafety inspections of each educational and
273 ancillary plant shall be made annually by persons certified by
274 the Division of State Fire Marshal to be eligible to conduct
275 firesafety inspections in public educational and ancillary
276 plants. Upon request of the State Fire Marshal, the board shall
277 submit a copy of the firesafety inspection report to the State
278 Fire Marshal and, if there is a local fire official who conducts
279 firesafety inspections, to the local fire official.

280 (b) In each firesafety inspection report, the board shall
281 include a plan of action and a schedule for the correction of
282 each deficiency which have been formulated in consultation with
283 the local fire control authority. If immediate life-threatening
284 deficiencies are noted in any inspection, the board shall take
285 action to promptly correct the deficiencies or withdraw the
286 educational or ancillary plant from use until such time as the
287 deficiencies are corrected.

288 (3) INSPECTION OF EDUCATIONAL PROPERTY BY THE STATE FIRE
289 MARSHAL.--

290 (a) One firesafety inspection of each educational or

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291 ancillary plant must be conducted each fiscal year by the county,
292 municipality, or special fire control district in which the plant
293 is located using the standards adopted by the State Fire Marshal.
294 The board shall cooperate with the inspecting authority when a
295 firesafety inspection is made by a governmental authority under
296 this paragraph.

297 (b) In each firesafety inspection report, the local fire
298 official, in conjunction with the board, shall include a plan of
299 action and a schedule for the correction of each deficiency. If
300 immediate life-threatening deficiencies are noted in any
301 inspection, the local fire official shall take action to require
302 the board to promptly correct the deficiencies or withdraw the
303 educational facility from use until the deficiencies are
304 corrected, subject to review by the State Fire Marshal, who shall
305 act within 10 days to ensure that the deficiencies are corrected
306 or withdraw the facility from use.

307 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
308 FACILITIES.--

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

311 (b) Firesafety inspections of state universities shall
312 comply with rules of the State Fire Marshal related to state-
313 owned buildings.

314 (5) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
315 failure of the board to take corrective action within the time
316 designated in the plan of action to correct any firesafety
317 deficiency noted under paragraph (2) (b) or paragraph (3) (b), the
318 local fire official shall immediately report the deficiency to
319 the State Fire Marshal, who shall have enforcement authority with

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320 respect to educational and ancillary plants and educational
321 facilities as provided in this chapter for a violation or
322 deficiency of any other building, structure, or facility.

323 (6) ADDITIONAL STANDARDS.--In addition to any other rules
324 adopted under this section or s. 633.022, the State Fire Marshal,
325 in consultation with the Department of Education, shall adopt and
326 administer rules prescribing the following standards for the
327 safety and health of occupants of educational and ancillary
328 plants:

329 (a) The designation of serious life-threatening hazards,
330 including, but not limited to, nonfunctional fire alarm systems,
331 nonfunctional fire sprinkler systems, doors with padlocks or
332 other locks or devices that preclude egress at any time,
333 inadequate exits, hazardous electrical system conditions,
334 potential structural failure, and storage conditions that create
335 a fire hazard.

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

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

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

342 633.0245 State Fire Marshal Nursing Home Fire Protection
343 Loan Guarantee Program.--

344 (9) An ~~Ne~~ application for participation in the State Fire
345 Marshal Nursing Home Fire Protection Loan Guarantee Program may
346 not be accepted by the State Fire Marshal after July 1, 2009 ~~June~~
347 ~~30, 2006~~.

348 Section 9. Subsection (11) is added to section 633.025,

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349 Florida Statutes, to read:

350 633.025 Minimum firesafety standards.--

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

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

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

360 (b) The local fire official shall recognize and approve
361 such manufactured building, subject to local fire code
362 amendments, acceptable performance testing of life safety
363 systems, and site conditions. The cost of any additional work
364 necessary to meet these requirements, if any, shall be born by
365 the manufacturer. The department is authorized to adopt rules to
366 administer this subsection.

367 Section 10. Section 633.03, Florida Statutes, is amended to
368 read:

369 633.03 Investigation of fires and explosions ~~fire~~;
370 reports.--The State Fire Marshal shall investigate the cause,
371 origin, and circumstances of every fire or explosion occurring in
372 this state wherein the State Fire Marshal deems an investigation
373 is necessary and ~~property has been damaged or destroyed~~ where
374 there is probable cause to believe that the fire or explosion was
375 the result of carelessness or design. Report of all such
376 investigations shall be made on approved forms to be furnished by
377 the State Fire Marshal.

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

381 633.061 Fire suppression equipment; license to install or
382 maintain.--

383 (1) It is unlawful for any organization or individual to
384 engage in the business of servicing, repairing, recharging,
385 testing, marking, inspecting, installing, or hydrotesting any
386 fire extinguisher or preengineered system in this state except in
387 conformity with the provisions of this chapter. Each organization
388 or individual that engages in such activity must possess a valid
389 and subsisting license issued by the State Fire Marshal. All fire
390 extinguishers and preengineered systems required by statute or by
391 rule must be serviced by an organization or individual licensed
392 under the provisions of this chapter. A licensee who receives
393 appropriate training shall not be prohibited by a manufacturer
394 from servicing any particular brand of fire extinguisher or
395 preengineered system. The licensee is legally qualified to act
396 for the business organization in all matters connected with its
397 business, and the licensee must supervise all activities
398 undertaken by such business organization. Each licensee shall
399 maintain a specific business location. A further requirement, in
400 the case of multiple locations where such servicing or recharging
401 is taking place, is that each licensee who maintains more than
402 one place of business where actual work is carried on must
403 possess an additional license, as set forth in this section, for
404 each location, except that a licensed individual may not qualify
405 for more than five locations. A licensee is limited to a specific
406 type of work performed depending upon the class of license held.

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407 Licenses and license fees are required for the following:

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

409 To service, recharge, repair, install, or inspect all types of
410 fire extinguishers and to conduct hydrostatic tests on all types
411 of fire extinguishers.

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

413 To service, recharge, repair, install, or inspect all types of
414 fire extinguishers, including recharging carbon dioxide units and
415 conducting hydrostatic tests on all types of fire extinguishers,
416 except carbon dioxide units.

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

418 To service, recharge, repair, install, or inspect all types of
419 fire extinguishers, except recharging carbon dioxide units, and
420 to conduct hydrostatic tests on all types of fire extinguishers,
421 except carbon dioxide units.

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

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

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

427
428 Any fire equipment dealer licensed pursuant to this subsection
429 who does not want to engage in the business of servicing,
430 inspecting, recharging, repairing, hydrotesting, or installing
431 clean agent ~~halon~~ equipment must file an affidavit on a form
432 provided by the division so stating. Licenses will be issued by
433 the division to reflect the work authorized thereunder. It is
434 unlawful, unlicensed activity for any person or firm to falsely
435 hold himself or herself or a business organization out to perform

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436 any service, inspection, recharge, repair, hydrotest, or
437 installation except as specifically described in the license.

438 (2) Each individual actually performing the work of
439 servicing, recharging, repairing, hydrotesting, installing,
440 testing, or inspecting fire extinguishers or preengineered
441 systems must possess a valid and subsisting permit issued by the
442 State Fire Marshal. Permittees are limited as to specific type of
443 work performed to allow work no more extensive than the class of
444 license held by the licensee under whom the permittee is working.
445 Permits will be issued by the division and the fees required are
446 as follows:

447 (a) Portable permit....\$90

448 "Portable permittee" means a person who is limited to performing
449 work no more extensive than the employing licensee in the
450 servicing, recharging, repairing, installing, or inspecting all
451 types of portable fire extinguishers.

452 (b) Preengineered permit....\$120

453 "Preengineered permittee" means a person who is limited to the
454 servicing, recharging, repairing, installing, or inspecting of
455 all types of preengineered fire extinguishing systems.

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

458
459 Any fire equipment permittee licensed pursuant to this subsection
460 who does not want to engage in servicing, inspecting, recharging,
461 repairing, hydrotesting, or installing clean agent ~~halon~~
462 equipment must file an affidavit on a form provided by the
463 division so stating. Permits will be issued by the division to
464 reflect the work authorized thereunder. It is unlawful,

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465 unlicensed activity for any person or firm to falsely hold
466 himself or herself out to perform any service, inspection,
467 recharge, repair, hydrotest, or installation except as
468 specifically described in the permit.

469 (3)(a) Such licenses and permits shall be issued by the
470 State Fire Marshal for 2 years beginning January 1, 2000, and
471 each 2-year period thereafter and expiring December 31 of the
472 second year. All licenses or permits issued will expire on
473 December 31 of each odd-numbered year. The failure to renew a
474 license or permit by December 31 of the second year will cause
475 the license or permit to become inoperative. The holder of an
476 inoperative license or permit shall not engage in any activities
477 for which a license or permit is required by this section. A
478 license or permit which is inoperative because of the failure to
479 renew it shall be restored upon payment of the applicable fee
480 plus a penalty equal to the applicable fee, if the application
481 for renewal is filed no later than the following March 31. If the
482 application for restoration is not made before the March 31st
483 deadline, the fee for restoration shall be equal to the original
484 application fee and the penalty provided for herein, and, in
485 addition, the State Fire Marshal shall require reexamination of
486 the applicant. The fee for a license or permit issued for 1 year
487 or less shall be prorated at 50 percent of the applicable fee for
488 a biennial license or permit. Following the initial licensure,
489 each licensee or permittee shall successfully complete a course
490 or courses of continuing education for fire equipment technicians
491 of at least 16 ~~32~~ hours. A license or permit may not be renewed
492 unless the licensee or permittee produces documentation of the
493 completion of at least 16 hours of continuing education for fire

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494 equipment technicians during the biennial licensure period within
495 ~~4 years of initial issuance of a license or permit and within~~
496 ~~each 4-year period thereafter or no such license or permit shall~~
497 ~~be renewed.~~ A person who is both a licensee and a permittee shall
498 be required to complete a total of 16 ~~32~~ hours of continuing
499 education during each renewal ~~per 4-year~~ period. Each licensee
500 shall ensure that all permittees in his or her employment meet
501 their continuing education requirements. The State Fire Marshal
502 shall adopt rules describing the continuing education
503 requirements and shall have the authority upon reasonable belief,
504 to audit a fire equipment dealer to determine compliance with
505 continuing education requirements.

506 Section 12. Section 633.081, Florida Statutes, is amended
507 to read:

508 633.081 Inspection of buildings and equipment; orders;
509 firesafety inspection training requirements; certification;
510 disciplinary action.--The State Fire Marshal and her or his
511 agents may ~~shall~~, at any reasonable hour, when the department has
512 reasonable cause to believe that a violation of this chapter or
513 s. 509.215, or a rule promulgated thereunder, or a minimum
514 firesafety code adopted by the State Fire Marshal or a local
515 authority, may exist, inspect any and all buildings and
516 structures which are subject to the requirements of this chapter
517 or s. 509.215 and rules promulgated thereunder. The authority to
518 inspect shall extend to all equipment, vehicles, and chemicals
519 which are located on or within the premises of any such building
520 or structure.

521 (1) Each county, municipality, and special district that
522 has firesafety enforcement responsibilities shall employ or

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523 contract with a firesafety inspector. The firesafety inspector
524 must conduct all firesafety inspections that are required by law.
525 The governing body of a county, municipality, or special district
526 that has firesafety enforcement responsibilities may provide a
527 schedule of fees to pay only the costs of inspections conducted
528 pursuant to this subsection and related administrative expenses.
529 Two or more counties, municipalities, or special districts that
530 have firesafety enforcement responsibilities may jointly employ
531 or contract with a firesafety inspector.

532 (2) Every firesafety inspection conducted pursuant to state
533 or local firesafety requirements shall be by a person certified
534 as having met the inspection training requirements set by the
535 State Fire Marshal. Such person shall:

536 (a) Be a high school graduate or the equivalent as
537 determined by the department;

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

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

546 (d) Have good moral character as determined by the
547 department;

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

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

551 (g)1. Have satisfactorily completed, as determined by the

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552 department, a firesafety inspector training program of not less
553 than 200 hours established by the department and administered by
554 agencies and institutions approved by the department for the
555 purpose of providing basic certification training for firesafety
556 inspectors; or

557 2. Have received in another state training which is
558 determined by the department to be at least equivalent to that
559 required by the department for approved firesafety inspector
560 education and training programs in this state.

561 (3)(a)1. Effective July 1, 2011, the classification of
562 special state firesafety inspector is abolished and all special
563 state firesafety inspector certifications expire at midnight June
564 30, 2011.

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

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

571 (b)1. Any person who is a special state firesafety
572 inspector on July 1, 2008, and who has at least 5 years of
573 experience as a special state firesafety inspector as of July 1,
574 2008, may take the same firesafety inspection examination as
575 provided in paragraph (2)(f) for firesafety inspectors prior to
576 July 1, 2011, to be certified as a firesafety inspector described
577 in subsection (2).

578 2. Upon passing the examination, such person shall be
579 certified as a firesafety inspector as provided in subsection
580 (2).

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581 3. Failure to obtain certification requires compliance with
582 paragraph (c) to be certified as a firesafety inspector as
583 provided in subsection (2).

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

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

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

592
593 must take an additional 80 hours of the courses described in
594 paragraph (2)(g).

595 2. After successfully completing the courses described in
596 this paragraph, such person is permitted to take the firesafety
597 inspection examination described in paragraph (2)(f), if such
598 examination is taken before July 1, 2011.

599 3. Upon passing the examination, such person shall become
600 certified as a firesafety inspector as provided in subsection
601 (2).

602 4. A person who fails the course of study or the
603 examination described in this paragraph may not perform any
604 firesafety inspection required by law on or after July 1, 2011
605 ~~Each special state firesafety inspection which is required by law~~
606 ~~and is conducted by or on behalf of an agency of the state must~~
607 ~~be performed by an individual who has met the provision of~~
608 ~~subsection (2), except that the duration of the training program~~
609 ~~shall not exceed 120 hours of specific training for the type of~~

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610 ~~property that such special state firesafety inspectors are~~
611 ~~assigned to inspect.~~

612 (4) A firefighter certified pursuant to s. 633.35 may
613 conduct firesafety inspections, under the supervision of a
614 certified firesafety inspector, while on duty as a member of a
615 fire department company conducting inservice firesafety
616 inspections without being certified as a firesafety inspector, if
617 such firefighter has satisfactorily completed an inservice fire
618 department company inspector training program of at least 24
619 hours' duration as provided by rule of the department.

620 (5) Every firesafety inspector ~~or special state firesafety~~
621 ~~inspector~~ certificate is valid for a period of 3 years from the
622 date of issuance. Renewal of certification shall be subject to
623 the affected person's completing proper application for renewal
624 and meeting all of the requirements for renewal as established
625 under this chapter or by rule adopted ~~promulgated~~ thereunder,
626 which shall include completion of at least 40 hours during the
627 preceding 3-year period of continuing education as required by
628 the rule of the department or, in lieu thereof, successful
629 passage of an examination as established by the department.

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

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

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

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

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

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

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

647 (g) Making or filing a report or record that the
648 certificateholder knows to be false, or knowingly inducing
649 another to file a false report or record, or knowingly failing to
650 file a report or record required by state or local law, or
651 knowingly impeding or obstructing such filing, or knowingly
652 inducing another person to impede or obstruct such filing.

653 (h) Failing to properly enforce applicable fire codes or
654 permit requirements within this state which the certificateholder
655 knows are applicable by committing willful misconduct, gross
656 negligence, gross misconduct, repeated negligence, or negligence
657 resulting in a significant danger to life or property.

658 (i) Accepting labor, services, or materials at no charge or
659 at a noncompetitive rate from any person who performs work that
660 is under the enforcement authority of the certificateholder and
661 who is not an immediate family member of the certificateholder.
662 For the purpose of this paragraph, the term "immediate family
663 member" means a spouse, child, parent, sibling, grandparent,
664 aunt, uncle, or first cousin of the person or the person's spouse
665 or any person who resides in the primary residence of the
666 certificateholder.

667 (7) The department shall provide by rule for the

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668 certification of firesafety inspectors.

669 (8) The State Fire Marshal may develop by rule an advanced
670 training and certification program for firesafety inspectors with
671 fire code management responsibility. This program shall be
672 consistent with national standards. The program shall establish
673 minimum training, education, and experience levels for fire
674 safety inspectors with fire code management responsibilities.

675 (9) The Division of State Fire Marshal may enter into a
676 reciprocity agreement with the Florida Building Code
677 Administrators and Inspectors Board, established pursuant to s.
678 468.605, to facilitate joint recognition of continuing education
679 recertification hours for certificateholders licensed in
680 accordance with s. 468.609 and firesafety inspectors certified in
681 accordance with subsection (2).

682 Section 13. Paragraph (a) of subsection (1) and subsections
683 (2), (3), and (4) of section 633.085, Florida Statutes, are
684 amended to read:

685 633.085 Inspections of state buildings and premises; tests
686 of firesafety equipment; building plans to be approved.--

687 (1)(a) It is the duty of the State Fire Marshal and her or
688 his agents to inspect, or cause to be inspected, each state-owned
689 building and each building located on land owned by the state and
690 used primarily for state purposes as determined by the State Fire
691 Marshal, such buildings to be referred to in this section as a
692 state-owned building or state-owned buildings, on a recurring
693 basis established by rule, and to ensure that high-hazard
694 occupancies are inspected at least annually, for the purpose of
695 ascertaining and causing to be corrected any conditions liable to
696 cause fire or endanger life from fire and any violation of the

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697 firesafety standards for state-owned buildings, the provisions of
698 this chapter, or the rules or regulations adopted and promulgated
699 pursuant hereto. The State Fire Marshal shall, within 7 days
700 following an inspection, submit a report of such inspection to
701 the head of the department of state government responsible for
702 the building.

703 (2) The State Fire Marshal and her or his agents may ~~shall~~
704 conduct performance tests on any electronic fire warning and
705 smoke detection system, and any pressurized air-handling unit, in
706 any state-owned building or state-leased space on a recurring
707 basis as provided in subsection (1). The State Fire Marshal and
708 her or his agents shall also ensure that fire drills are
709 conducted in all high-hazard state-owned buildings or high-hazard
710 state-leased ~~high-hazard~~ occupancies at least annually.

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

715 (a) For all new construction or renovation, alteration, or
716 change of occupancy of state-leased space, compliance with the
717 uniform firesafety standards shall be determined by reviewing the
718 plans for the proposed construction or occupancy submitted by the
719 lessor to the Division of State Fire Marshal for review and
720 approval prior to commencement of construction or occupancy,
721 which review shall be completed within 10 working days after
722 receipt of the plans by the Division of State Fire Marshal.

723 (b) The plans for all construction of any new, or
724 renovation or alteration of any existing, state-owned building
725 are subject to the review and approval of the Division of State

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726 Fire Marshal for compliance with the uniform firesafety standards
727 prior to commencement of construction or change of occupancy,
728 which review shall be completed within 30 calendar days of
729 receipt of the plans by the Division of State Fire Marshal.

730 (4) The Division of State Fire Marshal may inspect state-
731 owned buildings and space and state-leased space as necessary
732 prior to occupancy or during construction, renovation, or
733 alteration to ascertain compliance with the uniform firesafety
734 standards. Whenever the Division of State Fire Marshal determines
735 by virtue of such inspection or by review of plans that
736 construction, renovation, or alteration of state-owned buildings
737 and state-leased space is not in compliance with the uniform
738 firesafety standards, the Division of State Fire Marshal shall
739 issue an order to cease construction, renovation, or alteration,
740 or to preclude occupancy, of a building until compliance is
741 obtained, except for those activities required to achieve such
742 compliance.

743 Section 14. Section 633.101, Florida Statutes, is amended
744 to read:

745 633.101 Hearings; investigations; investigatory powers of
746 State Fire Marshal; costs of service and witness fees.--

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

753 (2) If the State Fire Marshal seeks to obtain by request
754 any matter that, or the testimony of any person who is, located

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755 outside the state, the person requested shall provide the
756 testimony to the State Fire Marshal or make the matter available
757 to the State Fire Marshal to examine at the place where the
758 matter is located. The State Fire Marshal may designate
759 representatives, including officials of the state in which the
760 matter is located, to inspect the matter on behalf of the State
761 Fire Marshal, and the State Fire Marshal may respond to similar
762 requests from officials of other states. ~~If the State Fire~~
763 ~~Marshal shall be of the opinion that there is sufficient evidence~~
764 ~~to charge any person with an offense, he or she shall cause the~~
765 ~~arrest of such person and shall furnish to the prosecuting~~
766 ~~officer of any court having jurisdiction of said offense all~~
767 ~~information obtained by him or her, including a copy of all~~
768 ~~pertinent and material testimony taken, together with the names~~
769 ~~and addresses of all witnesses. In the conduct of such~~
770 ~~investigations, the fire marshal may request such assistance as~~
771 ~~may reasonably be given by such prosecuting officers and other~~
772 ~~local officials.~~

773 (3) (a) The State Fire Marshal may request that an
774 individual who refuses to comply with any request made under
775 subsection (2) be ordered by the circuit court to provide the
776 testimony or matter. The court may not order such compliance
777 unless the State Fire Marshal has demonstrated to the
778 satisfaction of the court that the testimony of the witness or
779 the matter under request has a direct bearing on matter under the
780 jurisdiction of the State Fire Marshal, constitutes a felony or
781 misdemeanor under this chapter, the Florida Insurance Code, or a
782 fraudulent insurance act or act of arson, or is pertinent and
783 necessary to further such investigation.

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784 (b) Except in a prosecution for perjury, an individual who
785 complies with a court order to provide testimony or matter after
786 asserting a privilege against self-incrimination to which the
787 individual is entitled by law may not be subjected to a criminal
788 proceeding or to a civil penalty with respect to the act
789 concerning that which the individual is required to testify or
790 produce relevant matter.

791 (c) In the absence of fraud or bad faith, a person is not
792 subject to civil liability for libel, slander, or any other
793 relevant tort by virtue of filing reports, without malice, or
794 furnishing other information, without malice, required by this
795 chapter or required by the State Fire Marshal under the authority
796 granted in this chapter, and no civil cause of action of any
797 nature shall arise against such person for:

798 1. Any information relating to a matter under the
799 jurisdiction of the State Fire Marshal, suspected violations of
800 the Florida Insurance Code, or fraudulent insurance acts or
801 persons suspected of engaging in such acts furnished to or
802 received from law enforcement officials or their agents or
803 employees;

804 2. Any information relating to any matter under the
805 jurisdiction of the State Fire Marshal, suspected violations of
806 the Florida Insurance Code, fraudulent insurance acts or acts of
807 arson, or persons suspected of engaging in such acts furnished to
808 or received from other persons subject to the provisions of this
809 chapter;

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

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813 4. Other actions taken in cooperation with any of the
814 agencies or individuals specified in this paragraph in the lawful
815 investigation of violations under the jurisdiction of the State
816 Fire Marshal, suspected violations of the Florida Insurance Code,
817 or suspected fraudulent insurance acts.

818 (d) In addition to the immunity granted in paragraph (c), a
819 person identified as a designated employee whose responsibilities
820 include the investigation and disposition of violations under the
821 jurisdiction of the State Fire Marshal or the Florida Insurance
822 Code and claims relating to suspected fraudulent insurance acts
823 may share information relating to persons suspected of such acts
824 with other designated employees employed by the same or other
825 insurers whose responsibilities include such acts. Unless the
826 employees of the insurer act in bad faith or in reckless
827 disregard for the rights of any insured, the insurer or its
828 designated employees are not civilly liable for libel, slander,
829 or any other relevant tort, and a civil action does not arise
830 against the insurer or its designated employees for:

831 1. Any information related to any matter under the
832 jurisdiction of the State Fire Marshal, the Florida Insurance
833 Code, or suspected fraudulent insurance acts provided to an
834 insurer; or

835 2. Any information relating to any matter under the
836 jurisdiction of the State Fire Marshal, the Florida Insurance
837 Code, or suspected fraudulent insurance acts provided to the
838 National Insurance Crime Bureau or the National Association of
839 Insurance Commissioners.

840
841 However, the qualified immunity against civil liability conferred

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842 on any insurer or its designated employees shall be forfeited
843 with respect to the exchange or publication of any defamatory
844 information with third persons not expressly authorized by this
845 paragraph to share in such information.

846 (e) This section does not abrogate or modify in any way any
847 common-law or statutory privilege or immunity otherwise enjoyed
848 by any person.

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

856 (4) Papers, documents, reports, or evidence relative to the
857 subject of an investigation under this section are not subject to
858 discovery until the investigation is completed or ceases to be
859 active. Agents of the State Fire Marshal are not subject to
860 subpoena in civil actions by any court of this state to testify
861 concerning any matter of which they have knowledge pursuant to a
862 pending investigation by the State Fire Marshal. All persons so
863 summoned and so testifying shall be entitled to the same witness
864 fees and mileage as provided for witnesses testifying in the
865 circuit courts of this state, and officers serving subpoenas or
866 orders of the fire marshal shall be paid in like manner for like
867 services in such courts, from the funds herein provided.

868 (5) Any person, other than an insurer, agent, or other
869 person licensed under the Florida Insurance Code, or an employee
870 of such licensee, having knowledge or a belief that a crime

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871 involving arson, a destructive device, an illegal possession of
872 explosives, a fraudulent insurance act, or any other act or
873 practice which, upon conviction, constitutes a felony or a
874 misdemeanor under this chapter, the Florida Insurance Code, or s.
875 817.233, is being or has been committed may submit to the State
876 Fire Marshal a report or information pertinent to such knowledge
877 or belief and such additional information relative to such
878 knowledge or belief as the State Fire Marshal may request. Any
879 insurer, agent, or other person licensed under the Florida
880 Insurance Code, or an employee of such licensee, having knowledge
881 or a belief that a crime involving arson, a destructive device,
882 an illegal possession of explosives, or any other act or practice
883 which, upon conviction, constitutes a felony or a misdemeanor
884 under this chapter or s. 817.233, is being or has been committed,
885 shall send to the State Fire Marshal a report or information
886 pertinent to such knowledge or belief and such additional
887 information relative to such knowledge or belief as the State
888 Fire Marshal may require. The State Fire Marshal shall review
889 such information or reports and select such information or
890 reports as, in his or her judgment, may require further
891 investigation. The State Fire Marshal shall then cause an
892 independent examination of the facts surrounding such information
893 or report to be made to determine the extent, if any, to which a
894 crime involving arson, a destructive device, or a fraudulent
895 insurance act, or any other act or practice that, upon
896 conviction, constitutes a felony or a misdemeanor under this
897 chapter, the Florida Insurance Code, or s. 817.233 is being or
898 has been committed. The State Fire Marshal shall report any
899 alleged violations of law which his or her investigations reveal

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900 to the appropriate licensing agency and state attorney or other
901 prosecuting agency having jurisdiction with respect to any such
902 violation.

903 (6) It is unlawful for any person to resist an arrest by an
904 agent of the State Fire Marshal authorized by this section or in
905 any manner to interfere, by abetting or assisting such resistance
906 or otherwise interfering, with any Division of State Fire Marshal
907 investigator in the duties imposed upon such agent or
908 investigator by law or department rule.

909 Section 15. Section 633.121, Florida Statutes, is amended
910 to read:

911 633.121 Persons authorized to enforce laws and rules of
912 State Fire Marshal.--The chiefs of county, municipal, and
913 special-district fire departments; other fire department
914 personnel designated by their respective chiefs; ~~and~~ personnel
915 designated by local governments having no organized fire
916 departments; and all law enforcement officers in the state duly
917 certified under chapter 943 and acting upon the request of the
918 State Fire Marshal or a chief of a county, municipal, or special
919 district fire department may ~~are authorized to~~ enforce this
920 chapter law and all rules ~~adopted~~ prescribed by the State Fire
921 Marshal within their respective jurisdictions. Such personnel
922 acting under the authority of this section shall be deemed to be
923 agents of their respective jurisdictions, not agents of the State
924 Fire Marshal.

925 Section 16. Section 633.13, Florida Statutes, is amended to
926 read:

927 633.13 State Fire Marshal; authority of agents.--The
928 authority given the State Fire Marshal under this chapter or any

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929 rule or order adopted by the State Fire Marshal ~~law~~ may be
930 exercised by his or her agents, either individually or in
931 conjunction with any other state or local official charged with
932 similar responsibilities.

933 Section 17. Section 633.14, Florida Statutes, is amended to
934 read:

935 633.14 Agents; powers to make arrests, conduct searches and
936 seizures, serve summonses, and carry firearms.--Agents or
937 investigators of the State Fire Marshal have the power to make
938 arrests for criminal violations established as a result of
939 investigations. Such agents or investigators shall also be
940 considered state law enforcement officers for all purposes and
941 shall have the power to execute arrest warrants and search
942 warrants; serve subpoenas issued for the examination,
943 investigation, and trial of all offenses; and to arrest upon
944 probable cause, without warrant, any person violating any
945 provision of the laws of this state. Agents or investigators
946 empowered to make arrests under this section may bear arms in the
947 performance of their duties. In such a situation, the
948 investigator must be certified in compliance with the provisions
949 of s. 943.1395 or must meet the temporary employment or
950 appointment exemption requirements of s. 943.131 until certified
951 ~~shall have the same authority to serve summonses, make arrests,~~
952 ~~carry firearms, and make searches and seizures, as the sheriff or~~
953 ~~her or his deputies, in the respective counties where such~~
954 ~~investigations, hearings, or inspections may be held; and~~
955 ~~affidavits necessary to authorize any such arrests, searches, or~~
956 ~~seizures may be made before any trial court judge having~~
957 ~~authority under the law to issue appropriate processes.~~

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

960 633.161 Violations; orders to cease and desist, correct
961 hazardous conditions, preclude occupancy, or vacate; enforcement;
962 penalties.--

963 (1) If it is determined by the department that a violation
964 specified in this subsection exists, the State Fire Marshal or
965 her or his agent ~~deputy~~ may issue and deliver to the person
966 committing the violation an order to cease and desist from such
967 violation, to correct any hazardous condition, to preclude
968 occupancy of the affected building or structure, or to vacate the
969 premises of the affected building or structure. Such violations
970 consist of ~~are~~:

971 (a) Except as set forth in paragraph (b), a violation of
972 any provision of this chapter, of any rule adopted pursuant
973 thereto, of any applicable uniform firesafety standard adopted
974 pursuant to s. 633.022 which is not adequately addressed by any
975 alternative requirements adopted on a local level, or of any
976 minimum firesafety standard adopted pursuant to s. 394.879.

977 (b) A substantial violation of an applicable minimum
978 firesafety standard adopted pursuant to s. 633.025 which is not
979 reasonably addressed by any alternative requirement imposed at
980 the local level, or an unreasonable interpretation of an
981 applicable minimum firesafety standard, and which violation or
982 interpretation clearly constitutes a danger to lifesafety.

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

986 (d) A building or structure which contains explosive matter

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987 | or flammable liquids or gases constituting a danger to life,
988 | safety, or property.

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

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

994 | Section 19. Subsection (1) of section 633.171, Florida
995 | Statutes, is amended to read:

996 | 633.171 Penalty for violation of law, rule, or order to
997 | cease and desist or for failure to comply with corrective
998 | order.--

999 | (1) Any person who violates any provision of this chapter
1000 | ~~law~~, any order or rule of the State Fire Marshal, or any order to
1001 | cease and desist or to correct conditions issued under this
1002 | chapter commits a misdemeanor of the second degree, punishable as
1003 | provided in s. 775.082 or s. 775.083.

1004 | Section 20. Subsection (1) of section 633.175, Florida
1005 | Statutes, is amended to read:

1006 | 633.175 Investigation of fraudulent insurance claims and
1007 | crimes; immunity of insurance companies supplying information.--

1008 | (1) In addition to the other powers granted by this
1009 | chapter, the State Fire Marshal or an agent appointed pursuant to
1010 | s. 633.02, any law enforcement officer as defined in s. 111.065,
1011 | any law enforcement officer of a federal agency, or any fire
1012 | department official who is engaged in the investigation of a fire
1013 | loss may request any insurance company or its agent, adjuster,
1014 | employee, or attorney, investigating a claim under an insurance
1015 | policy or contract with respect to a fire to release any

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1016 information whatsoever in the possession of the insurance company
1017 or its agent, adjuster, employee, or attorney relative to a loss
1018 from that fire. The insurance company shall release the available
1019 information to and cooperate with any official authorized to
1020 request such information pursuant to this section. The
1021 information shall include, but shall not be limited to:

1022 (a) Any insurance policy relevant to a loss under
1023 investigation and any application for such a policy.

1024 (b) Any policy premium payment records.

1025 (c) The records, reports, and all material pertaining to
1026 any previous claims made by the insured with the reporting
1027 company.

1028 (d) Material relating to the investigation of the loss,
1029 including statements of any person, proof of loss, and other
1030 relevant evidence.

1031 (e) Memoranda, notes, and correspondence relating to the
1032 investigation of the loss in the possession of the insurance
1033 company or its agents, adjusters, employees, or attorneys.

1034 Section 21. Section 633.18, Florida Statutes, is amended to
1035 read:

1036 633.18 State Fire Marshal; hearings and investigations;
1037 subpoena of witnesses; orders of circuit court.--Any agent
1038 designated by the State Fire Marshal for such purposes, may hold
1039 hearings, sign and issue subpoenas, administer oaths, examine
1040 witnesses, receive evidence, and require by subpoena the
1041 attendance and testimony of witnesses and the production of such
1042 accounts, records, memoranda or other evidence, as may be
1043 material for the determination of any complaint or conducting any
1044 inquiry or investigation under this chapter or any rule or order

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1045 of the State Fire Marshal law. In case of disobedience to a
1046 subpoena, the State Fire Marshal or his or her agent may invoke
1047 the aid of any court of competent jurisdiction in requiring the
1048 attendance and testimony of witnesses and the production of
1049 accounts, records, memoranda or other evidence and any such court
1050 may in case of contumacy or refusal to obey a subpoena issued to
1051 any person, issue an order requiring the person to appear before
1052 the State Fire Marshal's agent or produce accounts, records,
1053 memoranda or other evidence, as so ordered, or to give evidence
1054 touching any matter pertinent to any complaint or the subject of
1055 any inquiry or investigation, and any failure to obey such order
1056 of the court shall be punished by the court as a contempt
1057 thereof.

1058 Section 22. Section 633.30, Florida Statutes, is amended to
1059 read:

1060 633.30 Standards for firefighting; definitions.--As used in
1061 this chapter, the term:

1062 (1) "Career firefighter" means a person who is compensated
1063 at an hourly or salaried rate and whose work hours are scheduled
1064 in advance to maintain a schedule of coverage at a station,
1065 facility, or area to function as described in subsection (8)

1066 ~~"Firefighter" means any person initially employed as a full-time~~
1067 ~~professional firefighter by any employing agency, as defined~~
1068 ~~herein, whose primary responsibility is the prevention and~~
1069 ~~extinguishment of fires, the protection and saving of life and~~
1070 ~~property, and the enforcement of municipal, county, and state~~
1071 ~~fire prevention codes, as well as of any law pertaining to the~~
1072 ~~prevention and control of fires.~~

1073 (2) "Council" means the Firefighters Employment, Standards,

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1074 and Training Council ~~"Employing agency" means any municipality or~~
1075 ~~county, the state, or any political subdivision of the state,~~
1076 ~~including authorities and special districts, employing~~
1077 ~~firefighters as defined in subsection (1).~~

1078 (3) "Department" means the Department of Financial
1079 Services.

1080 (4) "Division" means the Division of State Fire Marshal of
1081 the Department of Financial Services ~~"Council" means the~~
1082 ~~Firefighters Employment, Standards, and Training Council.~~

1083 (5) "Employing agency" means any municipality or county,
1084 the state, or any political subdivision of the state, including
1085 authorities, special districts, or any private entity under
1086 contract with such entities ~~"Division" means the Division of~~
1087 ~~State Fire Marshal of the Department of Financial Services.~~

1088 (6) "Fire department" means an organization designated by a
1089 state political subdivision, such as a county, municipality, or
1090 special fire control district, to provide emergency response for
1091 the protection of life and property within a specified
1092 geographical area.

1093 (7) "Fire service apprentice" means any high school student
1094 who completes a high school course of instruction and examination
1095 approved by the department that includes specified components of
1096 firefighter I and II certification in accordance with the
1097 division's rules. Before the age of 18, a fire service apprentice
1098 may function as a fireground resource technician with a
1099 recognized fire department. Upon age of 18 and graduation from
1100 high school, the fire service apprentice may complete the
1101 outstanding components of firefighter I and II certification
1102 training and become certified at level II in accordance with the

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1103 division's rules.

1104 (8) "Firefighter" means any person whose responsibility is
1105 the emergency response to fires and other emergencies, the
1106 prevention and extinguishment of fires, the protection and saving
1107 of life and property, and the enforcement of municipal, county,
1108 and state fire prevention codes, as well as of any law pertaining
1109 to the prevention and control of fires.

1110 (9) "Firefighter I" means a person who has successfully
1111 completed the firefighter I training program and is certified at
1112 level I in accordance with the division's rules. Firefighter I is
1113 the minimum level of certification to function as a volunteer
1114 firefighter.

1115 (10) "Firefighter II" means a person who has successfully
1116 completed the firefighter II training program and is certified at
1117 level II in accordance with the division's rules. Firefighter II
1118 is the minimum level of certification to function as a career
1119 firefighter as set forth in subsection (2). For purposes of this
1120 chapter, a certificate of compliance at level II replaces the
1121 previous certificate of compliance required to be a career
1122 firefighter. Firefighters currently certified with a certificate
1123 of compliance are deemed to be in compliance with the
1124 requirements of this chapter and need not become certified as a
1125 firefighter II.

1126 (11) "Fireground resource technician" means a volunteer
1127 exterior firefighter or support person who is not qualified by
1128 certification to be an interior firefighter but who has completed
1129 a course of instruction in accordance with the division's rules.
1130 Fireground resource technician is the minimum level of
1131 certification to function on the fireground in accordance with

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1132 division rules.

1133 Section 23. Section 633.34, Florida Statutes, is amended to
1134 read:

1135 633.34 Firefighters; qualifications for employment.--

1136 (1) Any person applying for employment as a firefighter
1137 must:

1138 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
1139 term may be determined by the division, and at least 18 years of
1140 age.

1141 (b) ~~(2)~~ Never have been adjudicated guilty of, or pled
1142 guilty or nolo contendere to, any:

1143 1. Felony. If an applicant has been convicted of a felony,
1144 the applicant is not eligible for certification until the
1145 applicant complies with s. 112.011(2) (b); or

1146 2. Misdemeanor involving moral turpitude, or misleading or
1147 false statements relating to certification or employment as a
1148 firefighter.

1149
1150 If an applicant has been sentenced for any conviction of a felony
1151 or a misdemeanor, the applicant is not eligible for certification
1152 until 4 years after the expiration of any sentence. If a sentence
1153 is suspended or adjudication is withheld and a period of
1154 probation is imposed, the applicant must have been released from
1155 probation ~~Neither have been convicted of a felony or of a~~
1156 ~~misdemeanor directly related to the position of employment~~
1157 ~~sought, nor have pled nolo contendere to any charge of a felony.~~
1158 ~~If an applicant has been convicted of a felony, such applicant~~
1159 ~~must be in compliance with s. 112.011(2) (b). If an applicant has~~
1160 ~~been convicted of a misdemeanor directly related to the position~~

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1161 ~~of employment sought, such applicant shall be excluded from~~
1162 ~~employment for a period of 4 years after expiration of sentence.~~
1163 ~~If the sentence is suspended or adjudication is withheld in a~~
1164 ~~felony charge or in a misdemeanor directly related to the~~
1165 ~~position or employment sought and a period of probation is~~
1166 ~~imposed, the applicant must have been released from probation.~~

1167 (c)(3) Pay for and submit fingerprints as directed by the
1168 division ~~Submit a fingerprint card to the division with a current~~
1169 ~~processing fee. The fingerprints shall fingerprint card will be~~
1170 ~~forwarded to the Department of Law Enforcement or and/or the~~
1171 ~~Federal Bureau of Investigation, or both, as directed by division~~
1172 ~~rule.~~

1173 ~~(4) Have a good moral character as determined by~~
1174 ~~investigation under procedure established by the division.~~

1175 (d)(5) Be in good physical condition as determined by a
1176 medical examination given by a physician, surgeon, or physician
1177 assistant licensed to practice in the state pursuant to chapter
1178 458; an osteopathic physician, surgeon, or physician assistant
1179 licensed to practice in the state pursuant to chapter 459; or an
1180 advanced registered nurse practitioner licensed to practice in
1181 the state pursuant to chapter 464, who are aware of and familiar
1182 with the medical requirements for training and certification as
1183 stated in department rule. Such examination may include, but need
1184 not be limited to, provisions of the National Fire Protection
1185 Association Standard 1582. Results of this A medical examination
1186 evidencing good physical condition shall be submitted to the
1187 division, on a form as provided by rule, before an individual is
1188 eligible for admission into a firefighter training program as
1189 defined in s. 633.35.

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1190 (e)~~(6)~~ Be a nonuser of tobacco or tobacco products for at
1191 least 1 year immediately preceding application, as evidenced by
1192 the sworn affidavit of the applicant.

1193 (2) A person who does not hold a fire service apprentice,
1194 fireground resource technician, firefighter I, or firefighter II
1195 certificate may not respond or engage in hazardous operations,
1196 including, but not limited to, interior structural firefighting,
1197 hazardous-materials-incident mitigation, and incident command,
1198 requiring the knowledge and skills taught in the training
1199 programs established in s. 633.35, regardless of volunteer or
1200 employment status.

1201 Section 24. Subsections (1), (2), (3), and (4) of section
1202 633.35, Florida Statutes, are amended to read:

1203 633.35 Firefighter training and certification.--

1204 (1) The division shall establish by rule ~~a~~ firefighter
1205 training programs for certification as a fireground resource
1206 technician, a fire service apprentice, a firefighter I, and a
1207 firefighter II, to be ~~program of not less than 360 hours,~~
1208 administered by such agencies and institutions as approved by the
1209 division in accordance with division rules ~~it approves~~ for the
1210 purpose of providing ~~basic employment~~ training for firefighters.
1211 Nothing herein shall require a public employer to pay the cost of
1212 such training.

1213 (2) The division shall issue certificates ~~a certificate~~ of
1214 compliance for certification as a fireground resource technician,
1215 a fire service apprentice, a firefighter I, and a firefighter II
1216 to any person who has satisfactorily completed ~~complying with~~ the
1217 training programs ~~program~~ established in subsection (1), who has
1218 successfully passed an examination as prescribed by the division,

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1219 and who possesses the qualifications specified for employment in
1220 s. 633.34, ~~except s. 633.34(5)~~. A ~~No~~ person may not be employed
1221 as a career ~~regular or permanent~~ firefighter by an employing
1222 agency, or by a private entity under contract with the state or
1223 any political subdivision of the state, including authorities and
1224 special districts, unless certified as a firefighter II, except
1225 for an individual hired to be trained and become certified as a
1226 firefighter II. An individual hired to be trained and become
1227 certified as a firefighter II has a maximum of ~~for a period of~~
1228 ~~time in excess of~~ 1 year from the date of initial employment to
1229 obtain the firefighter II ~~until he or she has obtained such~~
1230 certificate of compliance. A person who does not hold a
1231 firefighter II certificate of compliance and is employed under
1232 this section may not directly engage in hazardous operations,
1233 such as interior structural firefighting and hazardous-materials-
1234 incident mitigation, requiring the knowledge and skills taught in
1235 a training program established in subsection (1), including
1236 incident command. However, a person who is certified and has been
1237 employed by ~~served as a volunteer firefighter with~~ the state or
1238 any political subdivision of the state, including authorities and
1239 special districts, who is then employed as a career ~~regular or~~
1240 ~~permanent~~ firefighter may function, during this period, in the
1241 same capacity in which he or she acted prior to being employed as
1242 a career firefighter as a volunteer firefighter, ~~provided that he~~
1243 ~~or she has completed all training required by the volunteer~~
1244 ~~organization~~.

1245 (3) The division may issue a certificate of compliance at
1246 the firefighter I or firefighter II level to any person who has
1247 received basic employment training for firefighters in another

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1248 state when the division has determined that such training was at
1249 least equivalent to that required by the division for approved
1250 firefighter education and training programs in this state and
1251 when such person has satisfactorily complied with all other
1252 requirements of this section. The division may also issue a
1253 special certificate to a person who is otherwise qualified under
1254 this section and who is employed as the administrative and
1255 command head of a fire/rescue/emergency services organization,
1256 based on the acknowledgment that such person is less likely to
1257 need physical dexterity and more likely to need advanced
1258 knowledge of firefighting and supervisory skills. The certificate
1259 is valid only while the person is serving in a position as an
1260 administrative and command head of a fire/rescue/emergency
1261 services organization and must be obtained prior to employment in
1262 such capacity.

1263 (4) A person who fails an examination given under this
1264 section may retake the examination once within 6 months after the
1265 original examination date. An applicant who does not pass ~~retake~~
1266 the examination within such time must repeat or take the
1267 applicable training program ~~Minimum Standards Course~~, pursuant to
1268 subsection (1), before being reexamined. The division may
1269 establish reasonable preregistration deadlines for such
1270 reexaminations.

1271 Section 25. Section 633.351, Florida Statutes, is amended
1272 to read:

1273 633.351 Disciplinary action; firefighters; standards for
1274 revocation of certification.--

1275 (1) The certification of a firefighter shall be revoked if
1276 evidence is found that the certification was improperly issued by

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1277 the division or if evidence is found that the certification was
1278 issued on the basis of false, incorrect, incomplete, or
1279 misleading information.

1280 (2) The certification of a firefighter who has been
1281 adjudicated guilty of, or pled guilty or nolo contendere to, any
1282 felony, or any misdemeanor involving moral turpitude, or
1283 misleading or false statements relating to the certification or
1284 employment as a firefighter, shall be revoked. In the case of a
1285 felony, the certification may not be reinstated ~~is convicted of a~~
1286 ~~felony, or who is convicted of a misdemeanor relating to~~
1287 ~~misleading or false statements, or who pleads nolo contendere to~~
1288 ~~any charge of a felony shall be revoked~~ until the firefighter
1289 complies with s. 112.011(2)(b). However, if sentence upon such
1290 felony or such misdemeanor charge is suspended or adjudication is
1291 withheld, the firefighter's certification shall be revoked until
1292 she or he completes any probation.

1293 (3) It is a violation of certification for any career
1294 firefighter as defined in this chapter, whose initial employment
1295 date is on or after July 1, 2008, to use tobacco products. An
1296 investigation by the local firefighter employer which determines
1297 such use, confirmed by legal means such as nicotine or cotinine
1298 testing, shall result in the suspension of the firefighter's
1299 state certification, requiring suspension or termination of
1300 employment. The division shall adopt rules setting forth the
1301 criteria for testing, investigation, and notification of the
1302 division by the local firefighter employer of violations, actions
1303 to be taken by the division, reinstatement of certification with
1304 appropriate medical approval and surveillance, and the number of
1305 violations allowed before permanent revocation of firefighter

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1306 certification.

1307 Section 26. Section 633.352, Florida Statutes, is amended
1308 to read:

1309 633.352 Retention of firefighter certification.--

1310 (1) Any certified firefighter who has not been active as a
1311 firefighter, or as a volunteer firefighter with an organized fire
1312 department, for a period of 3 years shall be required to retake
1313 and pass the written and practical portions ~~portion~~ of the
1314 ~~minimum standards state~~ examination specified in division rules
1315 ~~rule 4A-37.056(6)(b), Florida Administrative Code,~~ in order to
1316 maintain her or his certification as a firefighter. ~~;~~ however,

1317 (2) This requirement does not apply to state-certified
1318 firefighters who are certified and employed as full-time fire
1319 safety inspectors by a fire department employing agency or to
1320 instructors regardless of their employment status ~~instructors, as~~
1321 ~~determined by the division.~~

1322 (3) The 3-year period begins on the date the firefighter I
1323 or II certificate of compliance is issued, ~~or~~ upon termination of
1324 service with an organized fire department, or upon expiration of
1325 instructor certification.

1326 Section 27. Paragraph (b) of subsection (1) and paragraph
1327 (a) of subsection (2) of section 633.382, Florida Statutes, are
1328 amended to read:

1329 633.382 Firefighters; supplemental compensation.--

1330 (1) DEFINITIONS.--As used in this section, the term:

1331 (b) "Firefighter" means any person who meets the definition
1332 ~~of the term "firefighter" in s. 633.30(2) and (10) s. 633.30(1)~~
1333 ~~who is certified in compliance with s. 633.35 and who is employed~~
1334 solely within the fire department of the employing agency or is

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1335 employed by the division.

1336 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1337 (a) In addition to the compensation now paid by an
1338 employing agency to a any firefighter II, every career
1339 firefighter shall be paid supplemental compensation by the
1340 employing agency when such firefighter has complied with one of
1341 the following criteria:

1342 1. Any firefighter II who receives an associate degree from
1343 an accredited a college, which degree is applicable to fire
1344 department duties, as outlined in policy guidelines of the
1345 division, shall be additionally compensated as outlined in
1346 paragraph (3) (a).

1347 2. Any firefighter II, regardless of whether or not she or
1348 he earned an associate degree earlier, who receives from an
1349 accredited college or university a bachelor's degree, which
1350 bachelor's degree is applicable to fire department duties, as
1351 outlined in policy guidelines of the division, shall receive
1352 compensation as outlined in paragraph (3) (b).

1353 Section 28. Subsection (3) is added to section 633.524,
1354 Florida Statutes, to read:

1355 633.524 Certificate and permit fees; use and deposit of
1356 collected funds.--

1357 (3) The State Fire Marshal may enter into a contract with
1358 any qualified public entity or private company in accordance with
1359 chapter 287 to provide examinations for any applicant for any
1360 examination administered under the jurisdiction of the State Fire
1361 Marshal under this chapter or any other chapter under the
1362 jurisdiction of the State Fire Marshal. The State Fire Marshal
1363 may have payments from each applicant for each examination made

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1364 directly to such public entity or private company.

1365 Section 29. Subsections (1) and (4) of section 633.541,
1366 Florida Statutes, are amended to read:

1367 633.541 Contracting without certificate prohibited;
1368 violations; penalty.--

1369 (1) It is unlawful for any organization or individual to
1370 engage in the business of, the layout, fabrication, installation,
1371 inspection, alteration, repair, or service of a fire protection
1372 system, other than a preengineered system, act in the capacity of
1373 a fire protection contractor, or advertise itself as being a fire
1374 protection contractor without having been duly certified and
1375 holding a valid and existing certificate, except as hereinafter
1376 provided. The holder of a certificate used to qualify an
1377 organization must be a full-time employee of the qualified
1378 organization or business. A certificateholder who is employed by
1379 more than one fire protection contractor during the same period
1380 of time is deemed not to be a full-time employee of either
1381 contractor. The State Fire Marshal shall revoke, for a period of
1382 time determined by the State Fire Marshal, the certificate of a
1383 certificateholder who allows the use of the certificate to
1384 qualify a company of which the certificateholder is not a full-
1385 time employee. A contractor who maintains more than one place of
1386 business must employ a certificateholder at each location.
1387 ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~ an
1388 employee acting on behalf of governmental entities from
1389 inspecting and enforcing firesafety codes, provided such employee
1390 is certified under s. 633.081, or an owner of a one or two family
1391 dwelling from inspecting or maintaining the fire protection
1392 system for his or her own house.

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1393 (4) In addition to the penalties provided in subsection
1394 (3), a fire protection contractor certified under this chapter
1395 who violates any provision of this chapter ~~section~~ or who commits
1396 any act constituting cause for disciplinary action is subject to
1397 suspension or revocation of the certificate and administrative
1398 fines pursuant to s. 633.547.

1399 Section 30. Subsection (4) of section 633.72, Florida
1400 Statutes, is amended to read:

1401 633.72 Florida Fire Code Advisory Council.--

1402 (4) Each appointee shall serve a 4-year term. No member
1403 shall serve more than two consecutive terms ~~one term~~. No member
1404 of the council shall be paid a salary as such member, but each
1405 shall receive travel and expense reimbursement as provided in s.
1406 112.061.

1407 Section 31. Section 633.811, Florida Statutes, is amended
1408 to read:

1409 633.811 Firefighter employer penalties.--If any firefighter
1410 employer violates or fails or refuses to comply with ss. 633.801-
1411 633.821, or with any rule adopted by the division under such
1412 sections in accordance with chapter 120 for the prevention of
1413 injuries, accidents, or occupational diseases or with any lawful
1414 order of the division in connection with ss. 633.801-633.821, or
1415 fails or refuses to furnish or adopt any safety device,
1416 safeguard, or other means of protection prescribed by division
1417 rule under ss. 633.801-633.821 for the prevention of accidents or
1418 occupational diseases, the division may issue an administrative
1419 cease and desist order, enforceable in the circuit court in the
1420 jurisdiction where the violation is occurring or has occurred,
1421 and assess an administrative fine against a firefighter employer

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1422 of not less than \$100 nor more than \$1,000 for each violation and
1423 each day of each violation. The administrative penalty assessment
1424 shall be subject to the provisions of chapter 120. The division
1425 may also assess against the firefighter employer a civil penalty
1426 of not less than \$100 nor more than \$5,000 for each day the
1427 violation, omission, failure, or refusal continues after the
1428 firefighter employer has been given written notice of such
1429 violation, omission, failure, or refusal. The total penalty for
1430 each violation shall not exceed \$50,000. The division shall adopt
1431 rules requiring penalties commensurate with the frequency or
1432 severity of safety violations. A hearing shall be held in the
1433 county in which the violation, omission, failure, or refusal is
1434 alleged to have occurred, unless otherwise agreed to by the
1435 firefighter employer and authorized by the division. All
1436 penalties assessed and collected under this section shall be
1437 deposited in the Insurance Regulatory Trust Fund.

1438 Section 32. Subsection (3) of section 633.821, Florida
1439 Statutes, is amended to read:

1440 633.821 Workplace safety.--

1441 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
1442 individuals located outside the immediately dangerous to life and
1443 health atmosphere may be assigned to an additional role, such as
1444 incident commander, pumper operator, engineer, or driver, so long
1445 as such individual is able to immediately perform assistance or
1446 rescue activities without jeopardizing the safety or health of
1447 any firefighter working at an incident. ~~Also with respect to 29~~
1448 ~~C.F.R. s. 1910.134(g)(4):~~

1449 ~~(a) Each county, municipality, and special district shall~~
1450 ~~implement such provision by April 1, 2002, except as provided in~~

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1451 ~~paragraphs (b) and (c).~~

1452 ~~(b) If any county, municipality, or special district is~~
1453 ~~unable to implement such provision by April 1, 2002, without~~
1454 ~~adding additional personnel to its firefighting staff or~~
1455 ~~expending significant additional funds, such county,~~
1456 ~~municipality, or special district shall have an additional 6~~
1457 ~~months within which to implement such provision. Such county,~~
1458 ~~municipality, or special district shall notify the division that~~
1459 ~~the 6-month extension to implement such provision is in effect in~~
1460 ~~such county, municipality, or special district within 30 days~~
1461 ~~after its decision to extend the time for the additional 6~~
1462 ~~months. The decision to extend the time for implementation shall~~
1463 ~~be made prior to April 1, 2002.~~

1464 ~~(c) If, after the extension granted in paragraph (b), the~~
1465 ~~county, municipality, or special district, after having worked~~
1466 ~~with and cooperated fully with the division and the Firefighters~~
1467 ~~Employment, Standards, and Training Council, is still unable to~~
1468 ~~implement such provisions without adding additional personnel to~~
1469 ~~its firefighting staff or expending significant additional funds,~~
1470 ~~such municipality, county, or special district shall be exempt~~
1471 ~~from the requirements of 29 C.F.R. s. 1910.134(g)(4). However,~~
1472 ~~each year thereafter the division shall review each such county,~~
1473 ~~municipality, or special district to determine if such county,~~
1474 ~~municipality, or special district has the ability to implement~~
1475 ~~such provision without adding additional personnel to its~~
1476 ~~firefighting staff or expending significant additional funds. If~~
1477 ~~the division determines that any county, municipality, or special~~
1478 ~~district has the ability to implement such provision without~~
1479 ~~adding additional personnel to its firefighting staff or~~

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1480 ~~expending significant additional funds, the division shall~~
1481 ~~require such county, municipality, or special district to~~
1482 ~~implement such provision. Such requirement by the division under~~
1483 ~~this paragraph constitutes final agency action subject to chapter~~
1484 ~~120.~~

1485 Section 33. Section 1013.12, Florida Statutes, is amended
1486 to read:

1487 1013.12 Casualty, safety, sanitation, and firesafety
1488 standards and inspection of property.--

1489 (1) FIRESAFETY.--The State Board of Education shall adopt
1490 and administer rules prescribing standards for the safety and
1491 health of occupants of educational and ancillary plants as a part
1492 of State Requirements for Educational Facilities or the Florida
1493 Building Code for educational facilities construction as provided
1494 in s. 1013.37, ~~except that the State Fire Marshal in consultation~~
1495 ~~with the Department of Education shall adopt uniform firesafety~~
1496 ~~standards for educational and ancillary plants and educational~~
1497 ~~facilities, as provided in s. 633.022(1)(b), and a firesafety~~
1498 ~~evaluation system to be used as an alternate firesafety~~
1499 ~~inspection standard for existing educational and ancillary plants~~
1500 ~~and educational facilities. The uniform firesafety standards and~~
1501 ~~the alternate firesafety evaluation system shall be administered~~
1502 ~~and enforced by local fire officials. These standards must be~~
1503 ~~used by all public agencies when inspecting public educational~~
1504 ~~and ancillary plants, and the firesafety standards must be used~~
1505 ~~by local fire officials when performing firesafety inspections of~~
1506 ~~public educational and ancillary plants and educational~~
1507 ~~facilities. In accordance with such standards, each board shall~~
1508 ~~prescribe policies and procedures establishing a comprehensive~~

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1509 | program of safety and sanitation for the protection of occupants
1510 | of public educational and ancillary plants. Such policies must
1511 | contain procedures for periodic inspections as prescribed in this
1512 | section and for withdrawal of any educational and ancillary
1513 | plant, or portion thereof, from use until unsafe or unsanitary
1514 | conditions are corrected or removed.

1515 | (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
1516 | BOARDS.--

1517 | (a) Each board shall provide for periodic inspection, other
1518 | than firesafety inspection, of each educational and ancillary
1519 | plant at least once during each fiscal year to determine
1520 | compliance with standards of sanitation and casualty safety
1521 | prescribed in the rules of the State Board of Education.

1522 | (b) Firesafety inspections of each educational and
1523 | ancillary plant must be made annually by persons certified by the
1524 | Division of State Fire Marshal to be eligible to conduct
1525 | firesafety inspections in public educational and ancillary
1526 | plants. Upon request of the State Fire Marshal, the board shall
1527 | submit a copy of the firesafety inspection report to the State
1528 | Fire Marshal and, if there is a local fire official who conducts
1529 | firesafety inspections, to the local fire official.

1530 | (c) In each firesafety inspection report, the board shall
1531 | include a plan of action and a schedule for the correction of
1532 | each deficiency which have been formulated in consultation with
1533 | the local fire control authority. If immediate life-threatening
1534 | deficiencies are noted in any inspection, the board shall either
1535 | take action to promptly correct the deficiencies or withdraw the
1536 | educational or ancillary plant from use until such time as the
1537 | deficiencies are corrected.

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1538 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
1539 AGENCIES.--

1540 ~~(a)~~ A safety or sanitation inspection of any educational or
1541 ancillary plant may be made at any time by the Department of
1542 Education or any other state or local agency authorized or
1543 required to conduct such inspections by either general or special
1544 law. Each agency conducting inspections shall use the standards
1545 adopted by the Commissioner of Education in lieu of, and to the
1546 exclusion of, any other inspection standards prescribed either by
1547 statute or administrative rule. The agency shall submit a copy of
1548 the inspection report to the board.

1549 ~~(b) One firesafety inspection of each educational or~~
1550 ~~ancillary plant must be conducted each fiscal year by the county,~~
1551 ~~municipality, or special fire control district in which the plant~~
1552 ~~is located using the standards adopted by the State Fire Marshal.~~
1553 ~~The board shall cooperate with the inspecting authority when a~~
1554 ~~firesafety inspection is made by a governmental authority under~~
1555 ~~this paragraph.~~

1556 ~~(c) In each firesafety inspection report, the local fire~~
1557 ~~official in conjunction with the board shall include a plan of~~
1558 ~~action and a schedule for the correction of each deficiency. If~~
1559 ~~immediate life threatening deficiencies are noted in any~~
1560 ~~inspection, the local fire official shall either take action to~~
1561 ~~require the board to promptly correct the deficiencies or~~
1562 ~~withdraw the educational facility from use until the deficiencies~~
1563 ~~are corrected, subject to review by the State Fire Marshal who~~
1564 ~~shall act within 10 days to ensure that the deficiencies are~~
1565 ~~corrected or withdraw the facility from use.~~

1566 (4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY

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1567 DEFICIENCIES.--Upon failure of the board to take corrective
1568 action within a reasonable time, the agency making the
1569 inspection, other than a local fire official, may request the
1570 commissioner to:

1571 (a) Order that appropriate action be taken to correct all
1572 deficiencies in accordance with a schedule determined jointly by
1573 the inspecting authority and the board; in developing the
1574 schedule, consideration must be given to the seriousness of the
1575 deficiencies and the ability of the board to obtain the necessary
1576 funds; or

1577 (b) After 30 calendar days' notice to the board, order all
1578 or a portion of the educational or ancillary plant withdrawn from
1579 use until the deficiencies are corrected.

1580 ~~(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION~~
1581 ~~FACILITIES.--~~

1582 ~~(a) Firesafety inspections of community college facilities~~
1583 ~~shall comply with State Board of Education rules.~~

1584 ~~(b) Firesafety inspections of state universities shall~~
1585 ~~comply with rules of the Board of Governors.~~

1586 ~~(6) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon~~
1587 ~~failure of the board to take corrective action within the time~~
1588 ~~designated in the plan of action to correct any firesafety~~
1589 ~~deficiency noted under paragraph (2) (c) or paragraph (3) (c), the~~
1590 ~~local fire official shall immediately report the deficiency to~~
1591 ~~the State Fire Marshal, who shall have enforcement authority with~~
1592 ~~respect to educational and ancillary plants and educational~~
1593 ~~facilities as provided in chapter 633 for any other building or~~
1594 ~~structure.~~

1595 ~~(7) ADDITIONAL STANDARDS.--In addition to any other rules~~

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1596 ~~adopted under this section or s. 633.022, the State Fire Marshal~~
1597 ~~in consultation with the Department of Education shall adopt and~~
1598 ~~administer rules prescribing the following standards for the~~
1599 ~~safety and health of occupants of educational and ancillary~~
1600 ~~plants:~~

1601 ~~(a) The designation of serious life-safety hazards,~~
1602 ~~including, but not limited to, nonfunctional fire alarm systems,~~
1603 ~~nonfunctional fire sprinkler systems, doors with padlocks or~~
1604 ~~other locks or devices that preclude egress at any time,~~
1605 ~~inadequate exits, hazardous electrical system conditions,~~
1606 ~~potential structural failure, and storage conditions that create~~
1607 ~~a fire hazard.~~

1608 ~~(b) The proper placement of functional smoke and heat~~
1609 ~~detectors and accessible, unexpired fire extinguishers.~~

1610 ~~(c) The maintenance of fire doors without doorstops or~~
1611 ~~wedges improperly holding them open.~~

1612 ~~(8) ANNUAL REPORT.--The State Fire Marshal shall publish an~~
1613 ~~annual report to be filed with the substantive committees of the~~
1614 ~~state House of Representatives and Senate having jurisdiction~~
1615 ~~over education, the Commissioner of Education or his or her~~
1616 ~~successor, the State Board of Education, the Board of Governors,~~
1617 ~~and the Governor documenting the status of each board's~~
1618 ~~firesafety program, including the improvement or lack thereof.~~

1619 Section 34. This act shall take effect July 1, 2008.