

By the Committees on Community Affairs; 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4 amending s. 553.895, F.S.; revising outdated publication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. 633.02, F.S.; providing the
6 correct name for the State Fire Marshal; amending s.
7 633.022, F.S.; revising provisions relating to uniform
8 firesafety standards to include application to tunnels;
9 revising requirements pertaining to supervised automatic
10 sprinkler systems within nursing homes; requiring a
11 nursing home licensee to submit complete sprinkler
12 construction documents to the Agency for Health Care
13 Administration by a specified date; requiring such
14 licensee to gain final approval from the agency to start
15 construction by a specified date; authorizing the agency
16 to extend the deadline under certain circumstances;
17 amending s. 633.0245, F.S.; changing the application
18 deadline for participation in the State Fire Marshal
19 Nursing Home Loan Guarantee Program; amending s. 633.025,
20 F.S.; providing requirements for firesafety plans and
21 inspections for manufactured buildings; amending s.
22 633.03, F.S.; expanding application of authority of the
23 State Fire Marshal to investigate fires to include
24 explosions; amending s. 633.061, F.S.; revising the type
25 of fire suppression equipment in which a person must be
26 licensed in order to engage in the business of servicing,
27 inspecting, recharging, hydrotesting, or installing;
28 revising the requirements for the renewal of a license to
29 engage in the business of servicing, inspecting,

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30 recharging, hydrotesting, or installing fire suppression
31 equipment; amending s. 633.081, F.S.; authorizing the
32 State Fire Marshal to inspect buildings or structures for
33 certain violations; abolishing special state firesafety
34 inspector classifications; providing for certification as
35 a firesafety inspector; providing application and
36 examination requirements; authorizing the State Fire
37 Marshal to develop a certain advanced training and
38 certification program for firesafety inspectors;
39 authorizing the Division of State Fire Marshal to enter
40 into a reciprocity agreement with the Florida Building
41 Code Administrators and Inspectors Board for certain
42 continuing education recertification purposes; amending s.
43 633.085, F.S.; revising requirements for the State Fire
44 Marshal to inspect state buildings; amending s. 633.101,
45 F.S.; revising and expanding the authority and powers of
46 the State Fire Marshal to administer oaths, compel
47 attendance of witnesses, and collect evidence; providing
48 certain forms of immunity from liability for certain
49 actions and persons under certain circumstances; exempting
50 certain information from discovery under certain
51 circumstances; exempting agents of the State Fire Marshal
52 from subpoena under certain circumstances; specifying
53 limitations on treatment of physical evidence; authorizing
54 persons and agents of the State Fire Marshal to submit
55 certain crime-related reports or information to the State
56 Fire Marshal; authorizing agents of the State Fire Marshal
57 to make arrests as state law enforcement officers under
58 certain circumstances; providing that it is unlawful to

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59 resist arrest; amending s. 633.121, F.S.; expanding the
60 list of eligible persons authorized to enforce laws and
61 rules of the State Fire Marshal; amending s. 633.13, F.S.;
62 revising a provision relating to the authority of agents
63 of the State Fire Marshal; amending s. 633.14, F.S.;
64 revising and expanding powers regarding arrests, searches,
65 and the carrying of firearms by State Fire Marshal agents
66 and investigators; amending s. 633.161, F.S.; expanding
67 the list of violations for which the State Fire Marshal
68 may issue certain enforcement orders; providing criminal
69 penalties for failure to comply with such orders; amending
70 s. 633.171, F.S.; conforming a provision; amending s.
71 633.175, F.S.; specifying additional powers granted to the
72 State Fire Marshal; amending s. 633.18, F.S.; revising a
73 provision relating to conduct of inquiries or
74 investigations by agents of the State Fire Marshal;
75 amending s. 633.30, F.S.; revising and providing
76 definitions; amending s. 633.34, F.S.; revising
77 requirements for qualification for employment as a
78 firefighter; amending s. 633.35, F.S.; revising
79 requirements for firefighter training and certification;
80 amending s. 633.351, F.S.; revising provisions for
81 disciplinary actions for firefighters; revising standards
82 for revocation of firefighter certifications; amending s.
83 633.352, F.S.; revising requirements for retention of
84 firefighter certification; amending s. 633.382, F.S.;
85 revising provisions regarding required supplemental
86 compensation for firefighters; amending s. 633.524, F.S.;
87 authorizing the State Fire Marshal to contract to provide

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88 certain examinations; amending s. 633.541, F.S.; expanding
89 an exclusion from application of a prohibition against
90 contracting without certification for certain homeowners;
91 amending s. 633.72, F.S.; revising the membership terms of
92 the Fire Code Advisory Council; amending s. 633.811, F.S.;
93 expanding authority of the division to enforce provisions
94 of law and rules applicable to employers; authorizing
95 assessment of administrative fines; amending s. 633.821,
96 F.S.; deleting certain obsolete provisions requiring
97 counties, municipalities, and special districts to
98 implement certain provisions of federal law; repealing s.
99 1013.12(8), F.S., relating to annual reports; providing an
100 effective date.

101
102 Be It Enacted by the Legislature of the State of Florida:

103
104 Section 1. Paragraph (e) of subsection (1) of section
105 218.23, Florida Statutes, is amended to read:

106 218.23 Revenue sharing with units of local government.--

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

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

115
116 Additionally, to receive its share of revenue sharing funds, a

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

128 Section 2. Paragraph (b) of subsection (4) of section
129 447.203, Florida Statutes, is amended to read:

130 447.203 Definitions.--As used in this part:

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

132 (b) Serve as police chiefs, fire chiefs, or directors of
133 public safety of any police, fire, or public safety department.
134 Other police officers, as defined in s. 943.10(1), and
135 firefighters, as defined in s. 633.30 ~~s. 633.30(1)~~, may be
136 determined by the commission to be managerial employees of such
137 departments. In making such determinations, the commission shall
138 consider, in addition to the criteria established in paragraph
139 (a), the paramilitary organizational structure of the department
140 involved.

141
142 However, in determining whether an individual is a managerial
143 employee pursuant to either paragraph (a) or paragraph (b),
144 above, the commission may consider historic relationships of the
145 employee to the public employer and to coemployees.

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

148 553.895 Firesafety.--

149 (1) Any transient public lodging establishment, as defined
150 in chapter 509 and used primarily for transient occupancy as
151 defined in s. 83.43(10), or any timeshare unit of a timeshare
152 plan as defined in chapters 718 and 721, which is of three
153 stories or more and for which the construction contract has been
154 let after September 30, 1983, with interior corridors which do
155 not have direct access from the guest area to exterior means of
156 egress and on buildings over 75 feet in height that have direct
157 access from the guest area to exterior means of egress and for
158 which the construction contract has been let after September 30,
159 1983, shall be equipped with an automatic sprinkler system
160 installed in compliance with the current edition of the
161 applicable fire sprinkler standards adopted by the State Fire
162 Marshal. ~~the provisions prescribed in the National Fire~~
163 ~~Protection Association publication NFPA No. 13 (1985), "Standards~~
164 ~~for the Installation of Sprinkler Systems."~~ Each guest room and
165 each timeshare unit shall be equipped with an approved listed
166 single-station smoke detector meeting the minimum requirements of
167 NFPA 72, the current edition adopted by the State Fire Marshal,
168 ~~74 (1984) "Standards for the Installation, Maintenance and Use of~~
169 ~~Household Fire Warning Equipment,"~~ powered from the building
170 electrical service, notwithstanding the number of stories in the
171 structure, if the contract for construction is let after
172 September 30, 1983. Single-station smoke detectors shall not be
173 required when guest rooms or timeshare units contain smoke
174 detectors connected to a central alarm system which also alarms

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175 locally.

176 Section 4. Section 633.02, Florida Statutes, is amended to
177 read:

178 633.02 Agents; powers and duties; compensation.--The State
179 Fire Marshal shall appoint such agents as may be necessary to
180 carry out effectively the provisions of this chapter, who shall
181 be reimbursed for travel expenses as provided in s. 112.061, in
182 addition to their salary, when traveling or making investigations
183 in the performance of their duties. Such agents shall be at all
184 times under the direction and control of the State Fire Marshal,
185 who shall fix their compensation, and all orders shall be issued
186 in the State Fire Marshal's name and by her or his authority.

187 Section 5. Subsection (1) and paragraph (a) of subsection
188 (4) of section 633.022, Florida Statutes, are amended to read:

189 633.022 Uniform firesafety standards.--The Legislature
190 hereby determines that to protect the public health, safety, and
191 welfare it is necessary to provide for firesafety standards
192 governing the construction and utilization of certain buildings
193 and structures. The Legislature further determines that certain
194 buildings or structures, due to their specialized use or to the
195 special characteristics of the person utilizing or occupying
196 these buildings or structures, should be subject to firesafety
197 standards reflecting these special needs as may be appropriate.

198 (1) The department shall establish uniform firesafety
199 standards that apply to:

200 (a) All new, existing, and proposed state-owned and state-
201 leased buildings.

202 (b) All new, existing, and proposed hospitals, nursing
203 homes, assisted living facilities, adult family-care homes,

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204 correctional facilities, public schools, transient public lodging
205 establishments, public food service establishments, elevators,
206 migrant labor camps, mobile home parks, lodging parks,
207 recreational vehicle parks, recreational camps, residential and
208 nonresidential child care facilities, facilities for the
209 developmentally disabled, motion picture and television special
210 effects productions, tunnels, and self-service gasoline stations,
211 of which standards the State Fire Marshal is the final
212 administrative interpreting authority.

213

214 ~~If In the event~~ there is a dispute between the owners of the
215 buildings specified in paragraph (b) and a local authority
216 requiring a more stringent uniform firesafety standard for
217 sprinkler systems, the State Fire Marshal shall be the final
218 administrative interpreting authority and the State Fire
219 Marshal's interpretation regarding the uniform firesafety
220 standards shall be considered final agency action.

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

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

230 ~~2. Each entire nursing home shall be protected by an~~
231 ~~approved, supervised automatic sprinkler system by no later than~~
232 ~~December 31, 2010. A nursing home licensee shall submit complete~~

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233 sprinkler construction documents to the Agency for Health Care
234 Administration for review by December 31, 2008, and the licensee
235 must gain final approval to start construction from the agency by
236 June 30, 2009. The agency shall grant a 6-month extension to a
237 nursing home licensee if the completion and submission of the
238 sprinkler construction documents are contingent upon the approval
239 of the application for the loan guarantee program authorized
240 under s. 633.0245. In such case, the agency may extend the
241 deadline for final approval to begin construction beyond June 30,
242 2009, but the deadline may not be extended beyond December 31,
243 2009.

244 Section 6. Subsection (9) of section 633.0245, Florida
245 Statutes, is amended to read:

246 633.0245 State Fire Marshal Nursing Home Fire Protection
247 Loan Guarantee Program.--

248 (9) An ~~Ne~~ application for participation in the State Fire
249 Marshal Nursing Home Fire Protection Loan Guarantee Program may
250 not be accepted by the State Fire Marshal after July 1, 2009 ~~June~~
251 ~~30, 2006.~~

252 Section 7. Subsection (11) is added to section 633.025,
253 Florida Statutes, to read:

254 633.025 Minimum firesafety standards.--

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

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

261 2. The manufacturer's modular data plate, stating that the

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262 building is in compliance with chapter 633 and the rules of the
263 department, has been affixed to the building.

264 (b) The local fire official shall recognize and approve
265 such manufactured building, subject to local fire code
266 amendments, acceptable performance testing of life safety
267 systems, and site conditions. The cost of any additional work
268 necessary to meet these requirements, if any, shall be born by
269 the manufacturer. The department may adopt rules to administer
270 this subsection.

271 Section 8. Section 633.03, Florida Statutes, is amended to
272 read:

273 633.03 Investigation of fires and explosions ~~fire~~;
274 reports.--The State Fire Marshal shall investigate the cause,
275 origin, and circumstances of every fire or explosion occurring in
276 this state wherein the State Fire Marshal deems an investigation
277 is necessary and ~~property has been damaged or destroyed~~ where
278 there is probable cause to believe that the fire or explosion was
279 the result of carelessness or design. Report of all such
280 investigations shall be made on approved forms to be furnished by
281 the State Fire Marshal.

282 Section 9. Subsections (1) and (2) and paragraph (a) of
283 subsection (3) of section 633.061, Florida Statutes, are amended
284 to read:

285 633.061 Fire suppression equipment; license to install or
286 maintain.--

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

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

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

313 To service, recharge, repair, install, or inspect all types of
314 fire extinguishers and to conduct hydrostatic tests on all types
315 of fire extinguishers.

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

317 To service, recharge, repair, install, or inspect all types of
318 fire extinguishers, including recharging carbon dioxide units and
319 conducting hydrostatic tests on all types of fire extinguishers,

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320 except carbon dioxide units.

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

322 To service, recharge, repair, install, or inspect all types of
323 fire extinguishers, except recharging carbon dioxide units, and
324 to conduct hydrostatic tests on all types of fire extinguishers,
325 except carbon dioxide units.

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

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

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

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

342 (2) Each individual actually performing the work of
343 servicing, recharging, repairing, hydrotesting, installing,
344 testing, or inspecting fire extinguishers or preengineered
345 systems must possess a valid and subsisting permit issued by the
346 State Fire Marshal. Permittees are limited as to specific type of
347 work performed to allow work no more extensive than the class of
348 license held by the licensee under whom the permittee is working.

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349 Permits will be issued by the division and the fees required are
350 as follows:

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

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

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

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

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

362

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

373 (3) (a) Such licenses and permits shall be issued by the
374 State Fire Marshal for 2 years beginning January 1, 2000, and
375 each 2-year period thereafter and expiring December 31 of the
376 second year. All licenses or permits issued will expire on
377 December 31 of each odd-numbered year. The failure to renew a

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

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407 requirements and shall have the authority upon reasonable belief,
408 to audit a fire equipment dealer to determine compliance with
409 continuing education requirements.

410 Section 10. Section 633.081, Florida Statutes, is amended
411 to read:

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

425 (1) Each county, municipality, and special district that
426 has firesafety enforcement responsibilities shall employ or
427 contract with a firesafety inspector. The firesafety inspector
428 must conduct all firesafety inspections that are required by law.
429 The governing body of a county, municipality, or special district
430 that has firesafety enforcement responsibilities may provide a
431 schedule of fees to pay only the costs of inspections conducted
432 pursuant to this subsection and related administrative expenses.
433 Two or more counties, municipalities, or special districts that
434 have firesafety enforcement responsibilities may jointly employ
435 or contract with a firesafety inspector.

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436 (2) Every firesafety inspection conducted pursuant to state
437 or local firesafety requirements shall be by a person certified
438 as having met the inspection training requirements set by the
439 State Fire Marshal. Such person shall:

440 (a) Be a high school graduate or the equivalent as
441 determined by the department;

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

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

450 (d) Have good moral character as determined by the
451 department;

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

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

455 (g)1. Have satisfactorily completed, as determined by the
456 department, a firesafety inspector training program of not less
457 than 200 hours established by the department and administered by
458 agencies and institutions approved by the department for the
459 purpose of providing basic certification training for firesafety
460 inspectors; or

461 2. Have received in another state training which is
462 determined by the department to be at least equivalent to that
463 required by the department for approved firesafety inspector
464 education and training programs in this state.

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465 (3)(a)1. Effective July 1, 2011, the classification of
466 special state firesafety inspector is abolished and all special
467 state firesafety inspector certifications expire at midnight June
468 30, 2011.

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

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

475 (b)1. Any person who is a special state firesafety
476 inspector on July 1, 2008, and who has at least 5 years of
477 experience as a special state firesafety inspector as of July 1,
478 2008, may take the same firesafety inspection examination as
479 provided in paragraph (2)(f) for firesafety inspectors before
480 July 1, 2011, to be certified as a firesafety inspector described
481 in subsection (2).

482 2. Upon passing the examination, the person shall be
483 certified as a firesafety inspector as provided in subsection
484 (2).

485 3. Failure to obtain certification requires compliance with
486 paragraph (c) to be certified as a firesafety inspector as
487 provided in subsection (2).

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

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

493 b. Has 5 years of experience as a special state firesafety

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494 inspector but has failed the examination taken pursuant to
495 paragraph (b),

496
497 must take an additional 80 hours of the courses described in
498 paragraph (2)(g).

499 2. After successfully completing the courses described in
500 this paragraph, such person is permitted to take the firesafety
501 inspection examination described in paragraph (2)(f), if such
502 examination is taken before July 1, 2011.

503 3. Upon passing the examination, the person is certified as
504 a firesafety inspector as provided in subsection (2).

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

515 (4) A firefighter certified pursuant to s. 633.35 may
516 conduct firesafety inspections, under the supervision of a
517 certified firesafety inspector, while on duty as a member of a
518 fire department company conducting inservice firesafety
519 inspections without being certified as a firesafety inspector, if
520 such firefighter has satisfactorily completed an inservice fire
521 department company inspector training program of at least 24
522 hours' duration as provided by rule of the department.

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523 (5) Every firesafety inspector ~~or special state firesafety~~
524 ~~inspector~~ certificate is valid for a period of 3 years from the
525 date of issuance. Renewal of certification shall be subject to
526 the affected person's completing proper application for renewal
527 and meeting all of the requirements for renewal as established
528 under this chapter or by rule adopted ~~promulgated~~ thereunder,
529 which shall include completion of at least 40 hours during the
530 preceding 3-year period of continuing education as required by
531 the rule of the department or, in lieu thereof, successful
532 passage of an examination as established by the department.

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

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

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

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

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

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

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

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

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552 another to file a false report or record, or knowingly failing to
553 file a report or record required by state or local law, or
554 knowingly impeding or obstructing such filing, or knowingly
555 inducing another person to impede or obstruct such filing.

556 (h) Failing to properly enforce applicable fire codes or
557 permit requirements within this state which the certificateholder
558 knows are applicable by committing willful misconduct, gross
559 negligence, gross misconduct, repeated negligence, or negligence
560 resulting in a significant danger to life or property.

561 (i) Accepting labor, services, or materials at no charge or
562 at a noncompetitive rate from any person who performs work that
563 is under the enforcement authority of the certificateholder and
564 who is not an immediate family member of the certificateholder.
565 For the purpose of this paragraph, the term "immediate family
566 member" means a spouse, child, parent, sibling, grandparent,
567 aunt, uncle, or first cousin of the person or the person's spouse
568 or any person who resides in the primary residence of the
569 certificateholder.

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

572 (8) The State Fire Marshal may develop by rule an advanced
573 training and certification program for firesafety inspectors with
574 fire code management responsibility. This program shall be
575 consistent with national standards. The program shall establish
576 minimum training, education, and experience levels for fire
577 safety inspectors with fire code management responsibilities.

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

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581 468.605, to facilitate joint recognition of continuing education
582 recertification hours for certificateholders licensed in
583 accordance with s. 468.609 and firesafety inspectors certified in
584 accordance with subsection (2).

585 Section 11. Paragraph (a) of subsection (1) and subsections
586 (2), (3), and (4) of section 633.085, Florida Statutes, are
587 amended to read:

588 633.085 Inspections of state buildings and premises; tests
589 of firesafety equipment; building plans to be approved.--

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

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

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

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

618 (a) For all new construction or renovation, alteration, or
619 change of occupancy of state-leased space, compliance with the
620 uniform firesafety standards shall be determined by reviewing the
621 plans for the proposed construction or occupancy submitted by the
622 lessor to the Division of State Fire Marshal for review and
623 approval prior to commencement of construction or occupancy,
624 which review shall be completed within 10 working days after
625 receipt of the plans by the Division of State Fire Marshal.

626 (b) The plans for all construction of any new, or
627 renovation or alteration of any existing, state-owned building
628 are subject to the review and approval of the Division of State
629 Fire Marshal for compliance with the uniform firesafety standards
630 prior to commencement of construction or change of occupancy,
631 which review shall be completed within 30 calendar days of
632 receipt of the plans by the Division of State Fire Marshal.

633 (4) The Division of State Fire Marshal may inspect state-
634 owned buildings and space and state-leased space as necessary
635 prior to occupancy or during construction, renovation, or
636 alteration to ascertain compliance with the uniform firesafety
637 standards. Whenever the Division of State Fire Marshal determines
638 by virtue of such inspection or by review of plans that

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639 construction, renovation, or alteration of state-owned buildings
640 and state-leased space is not in compliance with the uniform
641 firesafety standards, the Division of State Fire Marshal shall
642 issue an order to cease construction, renovation, or alteration,
643 or to preclude occupancy, of a building until compliance is
644 obtained, except for those activities required to achieve such
645 compliance.

646 Section 12. Section 633.101, Florida Statutes, is amended
647 to read:

648 633.101 Hearings; investigations; investigatory powers of
649 State Fire Marshal; costs of service and witness fees.--

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

656 (2) If the State Fire Marshal seeks to obtain by request
657 any matter that, or the testimony of any person who, is located
658 outside the state, the person requested shall provide the
659 testimony to the State Fire Marshal or make the matter available
660 to the State Fire Marshal to examine at the place where the
661 matter is located. The State Fire Marshal may designate
662 representatives, including officials of the state in which the
663 matter is located, to inspect the matter on behalf of the State
664 Fire Marshal, and the State Fire Marshal may respond to similar
665 requests from officials of other states. ~~If the State Fire~~
666 ~~Marshal shall be of the opinion that there is sufficient evidence~~
667 ~~to charge any person with an offense, he or she shall cause the~~

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668 ~~arrest of such person and shall furnish to the prosecuting~~
669 ~~officer of any court having jurisdiction of said offense all~~
670 ~~information obtained by him or her, including a copy of all~~
671 ~~pertinent and material testimony taken, together with the names~~
672 ~~and addresses of all witnesses. In the conduct of such~~
673 ~~investigations, the fire marshal may request such assistance as~~
674 ~~may reasonably be given by such prosecuting officers and other~~
675 ~~local officials.~~

676 (3) (a) The State Fire Marshal may request that an
677 individual who refuses to comply with any request made under
678 subsection (2) be ordered by the circuit court to provide the
679 testimony or matter. The court may not order such compliance
680 unless the State Fire Marshal has demonstrated to the
681 satisfaction of the court that the testimony of the witness or
682 the matter under request has a direct bearing on matter under the
683 jurisdiction of the State Fire Marshal, constitutes a felony or
684 misdemeanor under this chapter, the Florida Insurance Code, or a
685 fraudulent insurance act or act of arson, or is pertinent and
686 necessary to further such investigation.

687 (b) Except in a prosecution for perjury, an individual who
688 complies with a court order to provide testimony or matter after
689 asserting a privilege against self-incrimination to which the
690 individual is entitled by law may not be subjected to a criminal
691 proceeding or to a civil penalty with respect to the act
692 concerning that which the individual is required to testify or
693 produce relevant matter.

694 (c) In the absence of fraud or bad faith, a person is not
695 subject to civil liability for libel, slander, or any other
696 relevant tort by virtue of filing reports, without malice, or

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697 furnishing other information, without malice, required by this
698 chapter or required by the State Fire Marshal under the authority
699 granted in this chapter, and no civil cause of action of any
700 nature shall arise against such person for:

701 1. Any information relating to a matter under the
702 jurisdiction of the State Fire Marshal, suspected violations of
703 the Florida Insurance Code, or fraudulent insurance acts or
704 persons suspected of engaging in such acts furnished to or
705 received from law enforcement officials or their agents or
706 employees;

707 2. Any information relating to any matter under the
708 jurisdiction of the State Fire Marshal, suspected violations of
709 the Florida Insurance Code, fraudulent insurance acts or acts of
710 arson, or persons suspected of engaging in such acts furnished to
711 or received from other persons subject to the provisions of this
712 chapter;

713 3. Any information furnished in reports to the State Fire
714 Marshal or any local, state, or federal enforcement officials or
715 their agents or employees; or

716 4. Other actions taken in cooperation with any of the
717 agencies or individuals specified in this paragraph in the lawful
718 investigation of violations under the jurisdiction of the State
719 Fire Marshal, suspected violations of the Florida Insurance Code,
720 or suspected fraudulent insurance acts.

721 (d) In addition to the immunity granted in paragraph (c), a
722 person identified as a designated employee whose responsibilities
723 include the investigation and disposition of violations under the
724 jurisdiction of the State Fire Marshal or the Florida Insurance
725 Code and claims relating to suspected fraudulent insurance acts

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726 may share information relating to persons suspected of such acts
727 with other designated employees employed by the same or other
728 insurers whose responsibilities include such acts. Unless the
729 employees of the insurer act in bad faith or in reckless
730 disregard for the rights of any insured, the insurer or its
731 designated employees are not civilly liable for libel, slander,
732 or any other relevant tort, and a civil action does not arise
733 against the insurer or its designated employees for:

734 1. Any information related to any matter under the
735 jurisdiction of the State Fire Marshal, the Florida Insurance
736 Code, or suspected fraudulent insurance acts provided to an
737 insurer; or

738 2. Any information relating to any matter under the
739 jurisdiction of the State Fire Marshal, the Florida Insurance
740 Code, or suspected fraudulent insurance acts provided to the
741 National Insurance Crime Bureau or the National Association of
742 Insurance Commissioners.

743
744 However, the qualified immunity against civil liability conferred
745 on any insurer or its designated employees shall be forfeited
746 with respect to the exchange or publication of any defamatory
747 information with third persons not expressly authorized by this
748 paragraph to share in such information.

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

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

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

759 (4) Papers, documents, reports, or evidence relative to the
760 subject of an investigation under this section are not subject to
761 discovery until the investigation is completed or ceases to be
762 active. Agents of the State Fire Marshal are not subject to
763 subpoena in civil actions by any court of this state to testify
764 concerning any matter of which they have knowledge pursuant to a
765 pending investigation by the State Fire Marshal. All persons so
766 summoned and so testifying shall be entitled to the same witness
767 fees and mileage as provided for witnesses testifying in the
768 circuit courts of this state, and officers serving subpoenas or
769 orders of the fire marshal shall be paid in like manner for like
770 services in such courts, from the funds herein provided.

771 (5) Any person, other than an insurer, agent, or other
772 person licensed under the Florida Insurance Code, or an employee
773 of such licensee, having knowledge or a belief that a crime
774 involving arson, a destructive device, an illegal possession of
775 explosives, a fraudulent insurance act, or any other act or
776 practice which, upon conviction, constitutes a felony or a
777 misdemeanor under this chapter, the Florida Insurance Code, or s.
778 817.233, is being or has been committed may submit to the State
779 Fire Marshal a report or information pertinent to such knowledge
780 or belief and such additional information relative to such
781 knowledge or belief as the State Fire Marshal may request. Any
782 insurer, agent, or other person licensed under the Florida
783 Insurance Code, or an employee of such licensee, having knowledge

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784 or a belief that a crime involving arson, a destructive device,
785 an illegal possession of explosives, or any other act or practice
786 which, upon conviction, constitutes a felony or a misdemeanor
787 under this chapter or s. 817.233, is being or has been committed,
788 shall send to the State Fire Marshal a report or information
789 pertinent to such knowledge or belief and such additional
790 information relative to such knowledge or belief as the State
791 Fire Marshal may require. The State Fire Marshal shall review
792 such information or reports and select such information or
793 reports as, in his or her judgment, may require further
794 investigation. The State Fire Marshal shall then cause an
795 independent examination of the facts surrounding such information
796 or report to be made to determine the extent, if any, to which a
797 crime involving arson, a destructive device, or a fraudulent
798 insurance act, or any other act or practice that, upon
799 conviction, constitutes a felony or a misdemeanor under this
800 chapter, the Florida Insurance Code, or s. 817.233 is being or
801 has been committed. The State Fire Marshal shall report any
802 alleged violations of law which his or her investigations reveal
803 to the appropriate licensing agency and state attorney or other
804 prosecuting agency having jurisdiction with respect to any such
805 violation.

806 (6) It is unlawful for any person to resist an arrest by an
807 agent of the State Fire Marshal authorized by this section or in
808 any manner to interfere, by abetting or assisting such resistance
809 or otherwise interfering, with any Division of State Fire Marshal
810 investigator in the duties imposed upon such agent or
811 investigator by law or department rule.

812 Section 13. Section 633.121, Florida Statutes, is amended

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813 to read:

814 633.121 Persons authorized to enforce laws and rules of
815 State Fire Marshal.--The chiefs of county, municipal, and
816 special-district fire departments; other fire department
817 personnel designated by their respective chiefs; ~~and~~ personnel
818 designated by local governments having no organized fire
819 departments; and all law enforcement officers in the state duly
820 certified under chapter 943 and acting upon the request of the
821 State Fire Marshal or a chief of a county, municipal, or special
822 district fire department may ~~are authorized to~~ enforce this
823 chapter law and all rules adopted ~~prescribed~~ by the State Fire
824 Marshal within their respective jurisdictions. Such personnel
825 acting under the authority of this section shall be deemed to be
826 agents of their respective jurisdictions, not agents of the State
827 Fire Marshal.

828 Section 14. Section 633.13, Florida Statutes, is amended to
829 read:

830 633.13 State Fire Marshal; authority of agents.--The
831 authority given the State Fire Marshal under this chapter or any
832 rule or order adopted by the State Fire Marshal law may be
833 exercised by his or her agents, either individually or in
834 conjunction with any other state or local official charged with
835 similar responsibilities.

836 Section 15. Section 633.14, Florida Statutes, is amended to
837 read:

838 633.14 Agents; powers to make arrests, conduct searches and
839 seizures, serve summonses, and carry firearms.--Agents or
840 investigators of the State Fire Marshal have the power to make
841 arrests for criminal violations established as a result of

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842 investigations. Such agents or investigators shall also be
843 considered state law enforcement officers for all purposes and
844 shall have the power to execute arrest warrants and search
845 warrants; serve subpoenas issued for the examination,
846 investigation, and trial of all offenses; and to arrest upon
847 probable cause, without warrant, any person violating any
848 provision of the laws of this state. Agents or investigators
849 empowered to make arrests under this section may bear arms in the
850 performance of their duties. In such a situation, the
851 investigator must be certified in compliance with the provisions
852 of s. 943.1395 or must meet the temporary employment or
853 appointment exemption requirements of s. 943.131 until certified
854 ~~shall have the same authority to serve summonses, make arrests,~~
855 ~~carry firearms, and make searches and seizures, as the sheriff or~~
856 ~~her or his deputies, in the respective counties where such~~
857 ~~investigations, hearings, or inspections may be held; and~~
858 ~~affidavits necessary to authorize any such arrests, searches, or~~
859 ~~seizures may be made before any trial court judge having~~
860 ~~authority under the law to issue appropriate processes.~~

861 Section 16. Subsections (1) and (3) of section 633.161,
862 Florida Statutes, are amended to read:

863 633.161 Violations; orders to cease and desist, correct
864 hazardous conditions, preclude occupancy, or vacate; enforcement;
865 penalties.--

866 (1) If it is determined by the department that a violation
867 specified in this subsection exists, the State Fire Marshal or
868 her or his agent ~~deputy~~ may issue and deliver to the person
869 committing the violation an order to cease and desist from such
870 violation, to correct any hazardous condition, to preclude

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871 occupancy of the affected building or structure, or to vacate the
872 premises of the affected building or structure. Such violations
873 consist of are:

874 (a) Except as set forth in paragraph (b), a violation of
875 any provision of this chapter, of any rule adopted pursuant
876 thereto, of any applicable uniform firesafety standard adopted
877 pursuant to s. 633.022 which is not adequately addressed by any
878 alternative requirements adopted on a local level, or of any
879 minimum firesafety standard adopted pursuant to s. 394.879.

880 (b) A substantial violation of an applicable minimum
881 firesafety standard adopted pursuant to s. 633.025 which is not
882 reasonably addressed by any alternative requirement imposed at
883 the local level, or an unreasonable interpretation of an
884 applicable minimum firesafety standard, and which violation or
885 interpretation clearly constitutes a danger to lifesafety.

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

889 (d) A building or structure which contains explosive matter
890 or flammable liquids or gases constituting a danger to life,
891 safety, or property.

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

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

897 Section 17. Subsection (1) of section 633.171, Florida
898 Statutes, is amended to read:

899 633.171 Penalty for violation of law, rule, or order to

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900 | cease and desist or for failure to comply with corrective
901 | order.--

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

907 | Section 18. Subsection (1) of section 633.175, Florida
908 | Statutes, is amended to read:

909 | 633.175 Investigation of fraudulent insurance claims and
910 | crimes; immunity of insurance companies supplying information.--

911 | (1) In addition to the other powers granted by this
912 | chapter, the State Fire Marshal or an agent appointed pursuant to
913 | s. 633.02, any law enforcement officer as defined in s. 111.065,
914 | any law enforcement officer of a federal agency, or any fire
915 | department official who is engaged in the investigation of a fire
916 | loss may request any insurance company or its agent, adjuster,
917 | employee, or attorney, investigating a claim under an insurance
918 | policy or contract with respect to a fire to release any
919 | information whatsoever in the possession of the insurance company
920 | or its agent, adjuster, employee, or attorney relative to a loss
921 | from that fire. The insurance company shall release the available
922 | information to and cooperate with any official authorized to
923 | request such information pursuant to this section. The
924 | information shall include, but shall not be limited to:

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

927 | (b) Any policy premium payment records.

928 | (c) The records, reports, and all material pertaining to

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929 any previous claims made by the insured with the reporting
930 company.

931 (d) Material relating to the investigation of the loss,
932 including statements of any person, proof of loss, and other
933 relevant evidence.

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

937 Section 19. Section 633.18, Florida Statutes, is amended to
938 read:

939 633.18 State Fire Marshal; hearings and investigations;
940 subpoena of witnesses; orders of circuit court.--Any agent
941 designated by the State Fire Marshal for such purposes, may hold
942 hearings, sign and issue subpoenas, administer oaths, examine
943 witnesses, receive evidence, and require by subpoena the
944 attendance and testimony of witnesses and the production of such
945 accounts, records, memoranda or other evidence, as may be
946 material for the determination of any complaint or conducting any
947 inquiry or investigation under this chapter or any rule or order
948 of the State Fire Marshal law. In case of disobedience to a
949 subpoena, the State Fire Marshal or his or her agent may invoke
950 the aid of any court of competent jurisdiction in requiring the
951 attendance and testimony of witnesses and the production of
952 accounts, records, memoranda or other evidence and any such court
953 may in case of contumacy or refusal to obey a subpoena issued to
954 any person, issue an order requiring the person to appear before
955 the State Fire Marshal's agent or produce accounts, records,
956 memoranda or other evidence, as so ordered, or to give evidence
957 touching any matter pertinent to any complaint or the subject of

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958 any inquiry or investigation, and any failure to obey such order
959 of the court shall be punished by the court as a contempt
960 thereof.

961 Section 20. Section 633.30, Florida Statutes, is amended to
962 read:

963 633.30 Standards for firefighting; definitions.--As used in
964 this chapter, the term:

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

969 ~~"Firefighter" means any person initially employed as a full-time~~
970 ~~professional firefighter by any employing agency, as defined~~
971 ~~herein, whose primary responsibility is the prevention and~~
972 ~~extinguishment of fires, the protection and saving of life and~~
973 ~~property, and the enforcement of municipal, county, and state~~
974 ~~fire prevention codes, as well as of any law pertaining to the~~
975 ~~prevention and control of fires.~~

976 (2) "Council" means the Firefighters Employment, Standards,
977 and Training Council ~~"Employing agency" means any municipality or~~
978 ~~county, the state, or any political subdivision of the state,~~
979 ~~including authorities and special districts, employing~~
980 ~~firefighters as defined in subsection (1).~~

981 (3) "Department" means the Department of Financial
982 Services.

983 (4) "Division" means the Division of State Fire Marshal of
984 the Department of Financial Services ~~"Council" means the~~
985 ~~Firefighters Employment, Standards, and Training Council.~~

986 (5) "Employing agency" means any municipality or county,

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987 the state, or any political subdivision of the state, including
988 authorities, special districts, or any private entity under
989 contract with such entities ~~"Division" means the Division of~~
990 ~~State Fire Marshal of the Department of Financial Services.~~

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

996 (7) "Fire service apprentice" means any high school student
997 who completes a high school course of instruction and examination
998 approved by the department that includes specified components of
999 firefighter I and II certification in accordance with the
1000 division's rules. Before the age of 18, a fire service apprentice
1001 may function as a fireground resource technician with a
1002 recognized fire department. Upon age of 18 and graduation from
1003 high school, the fire service apprentice may complete the
1004 outstanding components of firefighter I and II certification
1005 training and become certified at level II in accordance with the
1006 division's rules.

1007 (8) "Firefighter" means any person whose responsibility is
1008 the emergency response to fires and other emergencies, the
1009 prevention and extinguishment of fires, the protection and saving
1010 of life and property, and the enforcement of municipal, county,
1011 and state fire prevention codes, as well as of any law pertaining
1012 to the prevention and control of fires.

1013 (9) "Firefighter I" means a person who has successfully
1014 completed the firefighter I training program and is certified at
1015 level I in accordance with the division's rules. Firefighter I is

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1016 the minimum level of certification to function as a volunteer
1017 firefighter.

1018 (10) "Firefighter II" means a person who has successfully
1019 completed the firefighter II training program and is certified at
1020 level II in accordance with the division's rules. Firefighter II
1021 is the minimum level of certification to function as a career
1022 firefighter as set forth in subsection (2). For purposes of this
1023 chapter, a certificate of compliance at level II replaces the
1024 previous certificate of compliance required to be a career
1025 firefighter. Firefighters currently certified with a certificate
1026 of compliance are deemed to be in compliance with the
1027 requirements of this chapter and need not become certified as a
1028 firefighter II.

1029 (11) "Fireground resource technician" means a volunteer
1030 exterior firefighter or support person who is not qualified by
1031 certification to be an interior firefighter but who has completed
1032 a course of instruction in accordance with the division's rules.
1033 Fireground resource technician is the minimum level of
1034 certification to function on the fireground in accordance with
1035 division rules.

1036 Section 21. Section 633.34, Florida Statutes, is amended to
1037 read:

1038 633.34 Firefighters; qualifications for employment.--

1039 (1) Any person applying for employment as a firefighter
1040 must:

1041 (a)~~(1)~~ Be a high school graduate or the equivalent, as the
1042 term may be determined by the division, and at least 18 years of
1043 age.

1044 (b)~~(2)~~ Never have been adjudicated guilty of, or pled

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1045 guilty or nolo contendere to, any:

1046 1. Felony. If an applicant has been convicted of a felony,
1047 the applicant is not eligible for certification until the
1048 applicant complies with s. 112.011(2)(b); or

1049 2. Misdemeanor involving moral turpitude, or misleading or
1050 false statements relating to certification or employment as a
1051 firefighter.

1052

1053 If an applicant has been sentenced for any conviction of a felony
1054 or a misdemeanor, the applicant is not eligible for certification
1055 until 4 years after the expiration of any sentence. If a sentence
1056 is suspended or adjudication is withheld and a period of
1057 probation is imposed, the applicant must have been released from
1058 probation ~~Neither have been convicted of a felony or of a~~
1059 ~~misdemeanor directly related to the position of employment~~
1060 ~~sought, nor have pled nolo contendere to any charge of a felony.~~

1061 ~~If an applicant has been convicted of a felony, such applicant~~
1062 ~~must be in compliance with s. 112.011(2)(b). If an applicant has~~
1063 ~~been convicted of a misdemeanor directly related to the position~~
1064 ~~of employment sought, such applicant shall be excluded from~~
1065 ~~employment for a period of 4 years after expiration of sentence.~~
1066 ~~If the sentence is suspended or adjudication is withheld in a~~
1067 ~~felony charge or in a misdemeanor directly related to the~~
1068 ~~position or employment sought and a period of probation is~~
1069 ~~imposed, the applicant must have been released from probation.~~

1070 (c)(3) Pay for and submit fingerprints as directed by the
1071 division ~~Submit a fingerprint card to the division with a current~~
1072 ~~processing fee. The fingerprints shall fingerprint card will be~~
1073 ~~forwarded to the Department of Law Enforcement or and/or the~~

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1074 Federal Bureau of Investigation, or both, as directed by division
1075 rule.

1076 ~~(4) Have a good moral character as determined by~~
1077 ~~investigation under procedure established by the division.~~

1078 (d)(5) Be in good physical condition as determined by a
1079 medical examination given by a physician, surgeon, or physician
1080 assistant licensed to practice in the state pursuant to chapter
1081 458; an osteopathic physician, surgeon, or physician assistant
1082 licensed to practice in the state pursuant to chapter 459; or an
1083 advanced registered nurse practitioner licensed to practice in
1084 the state pursuant to chapter 464, who are aware of and familiar
1085 with the medical requirements for training and certification as
1086 stated in department rule. Such examination may include, but need
1087 not be limited to, provisions of the National Fire Protection
1088 Association Standard 1582. Results of this A medical examination
1089 evidencing good physical condition shall be submitted to the
1090 division, on a form as provided by rule, before an individual is
1091 eligible for admission into a firefighter training program as
1092 defined in s. 633.35.

1093 (e)(6) Be a nonuser of tobacco or tobacco products for at
1094 least 1 year immediately preceding application, as evidenced by
1095 the sworn affidavit of the applicant.

1096 (2) A person who does not hold a fire service apprentice,
1097 fireground resource technician, firefighter I, or firefighter II
1098 certificate may not respond or engage in hazardous operations,
1099 including, but not limited to, interior structural firefighting,
1100 hazardous-materials-incident mitigation, and incident command,
1101 requiring the knowledge and skills taught in the training
1102 programs established in s. 633.35, regardless of volunteer or

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1103 employment status.

1104 Section 22. Section 633.35, Florida Statutes, is amended to
1105 read:

1106 633.35 Firefighter training and certification.--

1107 (1) The division shall establish by rule ~~a~~ firefighter
1108 training programs for certification as a fireground resource
1109 technician, a fire service apprentice, a firefighter I, and a
1110 firefighter II, to be ~~program of not less than 360 hours,~~
1111 administered by such agencies and institutions as approved by the
1112 division in accordance with division rules ~~it approves~~ for the
1113 purpose of providing ~~basic employment~~ training for firefighters.
1114 Nothing herein shall require a public employer to pay the cost of
1115 such training.

1116 (2) The division shall issue certificates ~~a certificate~~ of
1117 compliance for certification as a fireground resource technician,
1118 a fire service apprentice, a firefighter I, and a firefighter II
1119 to any person who has satisfactorily completed ~~complying with~~ the
1120 training programs ~~program~~ established in subsection (1), who has
1121 successfully passed an examination as prescribed by the division,
1122 and who possesses the qualifications specified ~~for employment~~ in
1123 s. 633.34, ~~except s. 633.34(5)~~. A ~~No~~ person may not be employed
1124 as a career ~~regular or permanent~~ firefighter by an employing
1125 agency, or by a private entity under contract with the state or
1126 any political subdivision of the state, including authorities and
1127 special districts, unless certified as a firefighter II, except
1128 for an individual hired to be trained and become certified as a
1129 firefighter II. An individual hired to be trained and become
1130 certified as a firefighter II has a maximum of ~~for a period of~~
1131 ~~time in excess of~~ 1 year from the date of initial employment to

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1132 obtain the firefighter II ~~until he or she has obtained such~~
1133 ~~certificate of compliance.~~ A person who does not hold a
1134 firefighter II certificate of compliance and is employed under
1135 this section may not directly engage in hazardous operations,
1136 such as interior structural firefighting and hazardous-materials-
1137 incident mitigation, requiring the knowledge and skills taught in
1138 a training program established in subsection (1), including
1139 incident command. However, a person who is certified and has been
1140 employed by ~~served as a volunteer firefighter with~~ the state or
1141 any political subdivision of the state, including authorities and
1142 special districts, who is then employed as a career ~~regular or~~
1143 ~~permanent~~ firefighter may function, during this period, in the
1144 same capacity in which he or she acted prior to being employed as
1145 a career firefighter ~~as a volunteer firefighter,~~ provided that he
1146 ~~or she has completed all training required by the volunteer~~
1147 ~~organization.~~

1148 (3) The division may issue a certificate of compliance at
1149 the firefighter I or firefighter II level to any person who has
1150 received basic employment training for firefighters in another
1151 state when the division has determined that such training was at
1152 least equivalent to that required by the division for approved
1153 firefighter education and training programs in this state and
1154 when such person has satisfactorily complied with all other
1155 requirements of this section. The division may also issue a
1156 special certificate to a person who is otherwise qualified under
1157 this section and who is employed as the administrative and
1158 command head of a fire/rescue/emergency services organization,
1159 based on the acknowledgment that such person is less likely to
1160 need physical dexterity and more likely to need advanced

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1161 knowledge of firefighting and supervisory skills. The certificate
1162 is valid only while the person is serving in a position as an
1163 administrative and command head of a fire/rescue/emergency
1164 services organization and must be obtained prior to employment in
1165 such capacity.

1166 (4) A person who fails an examination given under this
1167 section may retake the examination once within 6 months after the
1168 original examination date. An applicant who does not pass ~~retake~~
1169 the examination within such time must repeat or take the
1170 applicable training program ~~Minimum Standards Course~~, pursuant to
1171 subsection (1), before being reexamined. The division may
1172 establish reasonable preregistration deadlines for such
1173 reexaminations.

1174 (5) Pursuant to s. 590.02(1)(e), the division shall
1175 establish a structural fire training program of not less than 40
1176 hours. The division shall issue to any person satisfactorily
1177 complying with this training program and who has successfully
1178 passed an examination as prescribed by the division and who has
1179 met the requirements of s. 590.02(1)(e) a Certificate of Forestry
1180 Firefighter.

1181 (6) A certified forestry firefighter is entitled to the
1182 same rights, privileges, and benefits provided for by law as a
1183 career ~~certified~~ firefighter. For the purposes of this statute,
1184 forestry compliance certification is equivalent to firefighter
1185 II.

1186 Section 23. Section 633.351, Florida Statutes, is amended
1187 to read:

1188 633.351 Disciplinary action; firefighters; standards for
1189 revocation of certification.--

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1190 (1) The certification of a firefighter shall be revoked if
1191 evidence is found that the certification was improperly issued by
1192 the division or if evidence is found that the certification was
1193 issued on the basis of false, incorrect, incomplete, or
1194 misleading information.

1195 (2) The certification of a firefighter who has been
1196 adjudicated guilty of, or pled guilty or nolo contendere to, any
1197 felony, or any misdemeanor involving moral turpitude, or
1198 misleading or false statements relating to the certification or
1199 employment as a firefighter, shall be revoked. In the case of a
1200 felony, the certification may not be reinstated ~~is convicted of a~~
1201 ~~felony, or who is convicted of a misdemeanor relating to~~
1202 ~~misleading or false statements, or who pleads nolo contendere to~~
1203 ~~any charge of a felony shall be revoked~~ until the firefighter
1204 complies with s. 112.011(2)(b). However, if sentence upon such
1205 felony or such misdemeanor charge is suspended or adjudication is
1206 withheld, the firefighter's revocation of certification shall
1207 continue for a period of 4 years after expiration of completion
1208 of any probation before the applicant is eligible for
1209 recertification ~~be revoked until she or he completes any~~
1210 ~~probation.~~

1211 (3) It is a violation of certification for any career
1212 firefighter as defined in this chapter, whose initial employment
1213 date is on or after July 1, 2008, to use tobacco products. An
1214 investigation by the local firefighter employer which determines
1215 such use, confirmed by legal means such as nicotine or cotinine
1216 testing, shall result in the suspension of the firefighter's
1217 state certification, requiring suspension or termination of
1218 employment. The division shall adopt rules setting forth the

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1219 criteria for testing, investigation, and notification of the
1220 division by the local firefighter employer of violations, actions
1221 to be taken by the division, reinstatement of certification with
1222 appropriate medical approval and surveillance, and the number of
1223 violations allowed before permanent revocation of firefighter
1224 certification.

1225 Section 24. Section 633.352, Florida Statutes, is amended
1226 to read:

1227 633.352 Retention of firefighter certification.--

1228 (1) Any certified firefighter who has not been active as a
1229 firefighter, or as a volunteer firefighter with an organized fire
1230 department, for a period of 3 years shall be required to retake
1231 and pass the written and practical portions ~~portion~~ of the
1232 ~~minimum standards state~~ examination specified in division rules
1233 ~~rule 4A-37.056(6)(b), Florida Administrative Code,~~ in order to
1234 maintain her or his certification as a firefighter. ~~; however,~~

1235 (2) This requirement does not apply to state-certified
1236 firefighters who are certified and employed as full-time fire
1237 safety inspectors by a fire department employing agency or to
1238 instructors regardless of their employment status ~~instructors, as~~
1239 ~~determined by the division.~~

1240 (3) The 3-year period begins on the date the firefighter I
1241 or firefighter II certificate of compliance is issued, ~~or~~ upon
1242 termination of service with an organized fire department, or upon
1243 expiration of instructor certification.

1244 Section 25. Paragraph (b) of subsection (1) and paragraph
1245 (a) of subsection (2) of section 633.382, Florida Statutes, are
1246 amended to read:

1247 633.382 Firefighters; supplemental compensation.--

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- 1248 (1) DEFINITIONS.--As used in this section, the term:
- 1249 (b) "Firefighter" means any person who meets the definition
- 1250 ~~of the term "firefighter" in s. 633.30(2) and (10) s. 633.30(1)~~
- 1251 ~~who is certified in compliance with s. 633.35 and who is employed~~
- 1252 solely within the fire department of the employing agency or is
- 1253 employed by the division.
- 1254 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--
- 1255 (a) In addition to the compensation now paid by an
- 1256 employing agency to a any firefighter II, every career
- 1257 firefighter shall be paid supplemental compensation by the
- 1258 employing agency when such firefighter has complied with one of
- 1259 the following criteria:
- 1260 1. Any firefighter II who receives an associate degree from
- 1261 an accredited a college, which degree is applicable to fire
- 1262 department duties, as outlined in policy guidelines of the
- 1263 division, shall be additionally compensated as outlined in
- 1264 paragraph (3) (a).
- 1265 2. Any firefighter II, regardless of whether or not she or
- 1266 he earned an associate degree earlier, who receives from an
- 1267 accredited college or university a bachelor's degree, which
- 1268 bachelor's degree is applicable to fire department duties, as
- 1269 outlined in policy guidelines of the division, shall receive
- 1270 compensation as outlined in paragraph (3) (b).
- 1271 Section 26. Subsection (3) is added to section 633.524,
- 1272 Florida Statutes, to read:
- 1273 633.524 Certificate and permit fees; use and deposit of
- 1274 collected funds.--
- 1275 (3) The State Fire Marshal may enter into a contract with
- 1276 any qualified public entity or private company in accordance with

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1277 chapter 287 to provide examinations for any applicant for any
1278 examination administered under the jurisdiction of the State Fire
1279 Marshal under this chapter or any other chapter under the
1280 jurisdiction of the State Fire Marshal. The State Fire Marshal
1281 may have payments from each applicant for each examination made
1282 directly to such public entity or private company.

1283 Section 27. Subsections (1) and (4) of section 633.541,
1284 Florida Statutes, are amended to read:

1285 633.541 Contracting without certificate prohibited;
1286 violations; penalty.--

1287 (1) It is unlawful for any organization or individual to
1288 engage in the business of, the layout, fabrication, installation,
1289 inspection, alteration, repair, or service of a fire protection
1290 system, other than a preengineered system, act in the capacity of
1291 a fire protection contractor, or advertise itself as being a fire
1292 protection contractor without having been duly certified and
1293 holding a valid and existing certificate, except as hereinafter
1294 provided. The holder of a certificate used to qualify an
1295 organization must be a full-time employee of the qualified
1296 organization or business. A certificateholder who is employed by
1297 more than one fire protection contractor during the same period
1298 of time is deemed not to be a full-time employee of either
1299 contractor. The State Fire Marshal shall revoke, for a period of
1300 time determined by the State Fire Marshal, the certificate of a
1301 certificateholder who allows the use of the certificate to
1302 qualify a company of which the certificateholder is not a full-
1303 time employee. A contractor who maintains more than one place of
1304 business must employ a certificateholder at each location.
1305 ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~ an

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1306 employee acting on behalf of governmental entities from
1307 inspecting and enforcing firesafety codes, provided such employee
1308 is certified under s. 633.081, or an owner of a one or two family
1309 dwelling from inspecting or maintaining the fire protection
1310 system for his or her own house.

1311 (4) In addition to the penalties provided in subsection
1312 (3), a fire protection contractor certified under this chapter
1313 who violates any provision of this chapter ~~section~~ or who commits
1314 any act constituting cause for disciplinary action is subject to
1315 suspension or revocation of the certificate and administrative
1316 fines pursuant to s. 633.547.

1317 Section 28. Subsection (4) of section 633.72, Florida
1318 Statutes, is amended to read:

1319 633.72 Florida Fire Code Advisory Council.--

1320 (4) Each appointee shall serve a 4-year term. No member
1321 shall serve more than two consecutive terms ~~one term~~. No member
1322 of the council shall be paid a salary as such member, but each
1323 shall receive travel and expense reimbursement as provided in s.
1324 112.061.

1325 Section 29. Section 633.811, Florida Statutes, is amended
1326 to read:

1327 633.811 Firefighter employer penalties.--If any firefighter
1328 employer violates or fails or refuses to comply with ss. 633.801-
1329 633.821, or with any rule adopted by the division under such
1330 sections in accordance with chapter 120 for the prevention of
1331 injuries, accidents, or occupational diseases or with any lawful
1332 order of the division in connection with ss. 633.801-633.821, or
1333 fails or refuses to furnish or adopt any safety device,
1334 safeguard, or other means of protection prescribed by division

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1335 rule under ss. 633.801-633.821 for the prevention of accidents or
1336 occupational diseases, the division may issue an administrative
1337 cease and desist order, enforceable in the circuit court in the
1338 jurisdiction where the violation is occurring or has occurred,
1339 and assess an administrative fine against a firefighter employer
1340 of not less than \$100 nor more than \$1,000 for each violation and
1341 each day of each violation. The administrative penalty assessment
1342 shall be subject to the provisions of chapter 120. The division
1343 may also assess against the firefighter employer a civil penalty
1344 of not less than \$100 nor more than \$5,000 for each day the
1345 violation, omission, failure, or refusal continues after the
1346 firefighter employer has been given written notice of such
1347 violation, omission, failure, or refusal. The total penalty for
1348 each violation shall not exceed \$50,000. The division shall adopt
1349 rules requiring penalties commensurate with the frequency or
1350 severity of safety violations. A hearing shall be held in the
1351 county in which the violation, omission, failure, or refusal is
1352 alleged to have occurred, unless otherwise agreed to by the
1353 firefighter employer and authorized by the division. All
1354 penalties assessed and collected under this section shall be
1355 deposited in the Insurance Regulatory Trust Fund.

1356 Section 30. Subsection (3) of section 633.821, Florida
1357 Statutes, is amended to read:

1358 633.821 Workplace safety.--

1359 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
1360 individuals located outside the immediately dangerous to life and
1361 health atmosphere may be assigned to an additional role, such as
1362 incident commander, pumper operator, engineer, or driver, so long
1363 as such individual is able to immediately perform assistance or

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1364 rescue activities without jeopardizing the safety or health of
1365 any firefighter working at an incident. ~~Also with respect to 29~~
1366 ~~C.F.R. s. 1910.134(g)(4):~~

1367 ~~(a) Each county, municipality, and special district shall~~
1368 ~~implement such provision by April 1, 2002, except as provided in~~
1369 ~~paragraphs (b) and (c).~~

1370 ~~(b) If any county, municipality, or special district is~~
1371 ~~unable to implement such provision by April 1, 2002, without~~
1372 ~~adding additional personnel to its firefighting staff or~~
1373 ~~expending significant additional funds, such county,~~
1374 ~~municipality, or special district shall have an additional 6~~
1375 ~~months within which to implement such provision. Such county,~~
1376 ~~municipality, or special district shall notify the division that~~
1377 ~~the 6-month extension to implement such provision is in effect in~~
1378 ~~such county, municipality, or special district within 30 days~~
1379 ~~after its decision to extend the time for the additional 6~~
1380 ~~months. The decision to extend the time for implementation shall~~
1381 ~~be made prior to April 1, 2002.~~

1382 ~~(c) If, after the extension granted in paragraph (b), the~~
1383 ~~county, municipality, or special district, after having worked~~
1384 ~~with and cooperated fully with the division and the Firefighters~~
1385 ~~Employment, Standards, and Training Council, is still unable to~~
1386 ~~implement such provisions without adding additional personnel to~~
1387 ~~its firefighting staff or expending significant additional funds,~~
1388 ~~such municipality, county, or special district shall be exempt~~
1389 ~~from the requirements of 29 C.F.R. s. 1910.134(g)(4). However,~~
1390 ~~each year thereafter the division shall review each such county,~~
1391 ~~municipality, or special district to determine if such county,~~
1392 ~~municipality, or special district has the ability to implement~~

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1393 ~~such provision without adding additional personnel to its~~
1394 ~~firefighting staff or expending significant additional funds. If~~
1395 ~~the division determines that any county, municipality, or special~~
1396 ~~district has the ability to implement such provision without~~
1397 ~~adding additional personnel to its firefighting staff or~~
1398 ~~expending significant additional funds, the division shall~~
1399 ~~require such county, municipality, or special district to~~
1400 ~~implement such provision. Such requirement by the division under~~
1401 ~~this paragraph constitutes final agency action subject to chapter~~
1402 ~~120.~~

1403 Section 31. Subsection (8) of section 1013.12, Florida
1404 Statutes, is repealed.

1405 Section 32. This act shall take effect July 1, 2008.