



119502

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/21/2008	.	
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	.	

1 The Committee on Judiciary (Saunders) recommended the following
2 **amendment:**

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

5 Between line(s) 469 and 470,
6 insert:

7 Section 3. Paragraph (e) of subsection (1) of section
8 218.23, Florida Statutes, is amended to read:

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

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

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



119502

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

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

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

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

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

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



119502

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

49 | Section 5. Subsection (1) of section 553.895, Florida
50 | Statutes, is amended to read:

51 | 553.895 Firesafety.--

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



119502

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

79 Section 6. Section 633.02, Florida Statutes, is amended to
80 read:

81 633.02 Agents; powers and duties; compensation.--The State
82 Fire Marshal shall appoint such agents as may be necessary to
83 carry out effectively the provisions of this chapter, who shall
84 be reimbursed for travel expenses as provided in s. 112.061, in
85 addition to their salary, when traveling or making investigations
86 in the performance of their duties. Such agents shall be at all
87 times under the direction and control of the State Fire Marshal,
88 who shall fix their compensation, and all orders shall be issued
89 in the State Fire Marshal's name and by her or his authority.

90 Section 7. Subsection (1) and paragraph (a) of subsection
91 (4) of section 633.022, Florida Statutes, are amended to read:

92 633.022 Uniform firesafety standards.--The Legislature
93 hereby determines that to protect the public health, safety, and
94 welfare it is necessary to provide for firesafety standards
95 governing the construction and utilization of certain buildings
96 and structures. The Legislature further determines that certain
97 buildings or structures, due to their specialized use or to the
98 special characteristics of the person utilizing or occupying
99 these buildings or structures, should be subject to firesafety
100 standards reflecting these special needs as may be appropriate.

101 (1) The department shall establish uniform firesafety
102 standards that apply to:

103 (a) All new, existing, and proposed state-owned and state-
104 leased buildings.

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



119502

107 | correctional facilities, public schools, transient public lodging
108 | establishments, public food service establishments, elevators,
109 | migrant labor camps, mobile home parks, lodging parks,
110 | recreational vehicle parks, recreational camps, residential and
111 | nonresidential child care facilities, facilities for the
112 | developmentally disabled, motion picture and television special
113 | effects productions, tunnels, and self-service gasoline stations,
114 | of which standards the State Fire Marshal is the final
115 | administrative interpreting authority.
116 |

117 | ~~If In the event~~ there is a dispute between the owners of the
118 | buildings specified in paragraph (b) and a local authority
119 | requiring a more stringent uniform firesafety standard for
120 | sprinkler systems, the State Fire Marshal shall be the final
121 | administrative interpreting authority and the State Fire
122 | Marshal's interpretation regarding the uniform firesafety
123 | standards shall be considered final agency action.

124 | (4) (a) Notwithstanding any provision of law to the
125 | contrary, each nursing home licensed under part II of chapter 400
126 | shall be protected throughout by an approved, supervised
127 | automatic sprinkler system in accordance with s. 9 of National
128 | Fire Protection Association, Inc., Life Safety Code, ~~in~~
129 | ~~accordance with the following schedule:~~

130 | 1. ~~Each hazardous area of each nursing home shall be~~
131 | ~~protected by an approved, supervised automatic sprinkler system~~
132 | ~~by no later than December 31, 2008.~~

133 | 2. ~~Each entire nursing home shall be protected by an~~
134 | ~~approved, supervised automatic sprinkler system by no later than~~
135 | ~~December 31, 2010. A nursing home licensee shall submit complete~~
136 | ~~sprinkler construction documents to the Agency for Health Care~~



119502

137 Administration for review by December 31, 2008, and the licensee
138 must gain final approval to start construction from the agency by
139 June 30, 2009. The agency shall grant a 6-month extension to a
140 nursing home licensee if the completion and submission of the
141 sprinkler construction documents are contingent upon the approval
142 of the application for the loan guarantee program authorized
143 under s. 633.0245. In such case, the agency may extend the
144 deadline for final approval to begin construction beyond June 30,
145 2009, but the deadline may not be extended beyond December 31,
146 2009.

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

149 633.0245 State Fire Marshal Nursing Home Fire Protection
150 Loan Guarantee Program.--

151 (9) An ~~Ne~~ application for participation in the State Fire
152 Marshal Nursing Home Fire Protection Loan Guarantee Program may
153 not be accepted by the State Fire Marshal after July 1, 2009 ~~June~~
154 ~~30, 2006.~~

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

157 633.025 Minimum firesafety standards.--

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

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

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



119502

167 (b) The local fire official shall recognize and approve
168 such manufactured building, subject to local fire code
169 amendments, acceptable performance testing of life safety
170 systems, and site conditions. The cost of any additional work
171 necessary to meet these requirements, if any, shall be born by
172 the manufacturer. The department may adopt rules to administer
173 this subsection.

174 Section 10. Section 633.03, Florida Statutes, is amended to
175 read:

176 633.03 Investigation of fires and explosions ~~fire~~;
177 reports.--The State Fire Marshal shall investigate the cause,
178 origin, and circumstances of every fire or explosion occurring in
179 this state wherein the State Fire Marshal deems an investigation
180 is necessary and ~~property has been damaged or destroyed~~ where
181 there is probable cause to believe that the fire or explosion was
182 the result of carelessness or design. Report of all such
183 investigations shall be made on approved forms to be furnished by
184 the State Fire Marshal.

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

188 633.061 Fire suppression equipment; license to install or
189 maintain.--

190 (1) It is unlawful for any organization or individual to
191 engage in the business of servicing, repairing, recharging,
192 testing, marking, inspecting, installing, or hydrotesting any
193 fire extinguisher or preengineered system in this state except in
194 conformity with the provisions of this chapter. Each organization
195 or individual that engages in such activity must possess a valid
196 and subsisting license issued by the State Fire Marshal. All fire



119502

197 extinguishers and preengineered systems required by statute or by
198 rule must be serviced by an organization or individual licensed
199 under the provisions of this chapter. A licensee who receives
200 appropriate training shall not be prohibited by a manufacturer
201 from servicing any particular brand of fire extinguisher or
202 preengineered system. The licensee is legally qualified to act
203 for the business organization in all matters connected with its
204 business, and the licensee must supervise all activities
205 undertaken by such business organization. Each licensee shall
206 maintain a specific business location. A further requirement, in
207 the case of multiple locations where such servicing or recharging
208 is taking place, is that each licensee who maintains more than
209 one place of business where actual work is carried on must
210 possess an additional license, as set forth in this section, for
211 each location, except that a licensed individual may not qualify
212 for more than five locations. A licensee is limited to a specific
213 type of work performed depending upon the class of license held.
214 Licenses and license fees are required for the following:

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

216 To service, recharge, repair, install, or inspect all types of
217 fire extinguishers and to conduct hydrostatic tests on all types
218 of fire extinguishers.

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

220 To service, recharge, repair, install, or inspect all types of
221 fire extinguishers, including recharging carbon dioxide units and
222 conducting hydrostatic tests on all types of fire extinguishers,
223 except carbon dioxide units.

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

225 To service, recharge, repair, install, or inspect all types of
226 fire extinguishers, except recharging carbon dioxide units, and



119502

227 | to conduct hydrostatic tests on all types of fire extinguishers,
228 | except carbon dioxide units.

229 | (d) Class D....\$200

230 | To service, repair, recharge, hydrotest, install, or inspect all
231 | types of preengineered fire extinguishing systems.

232 | (e) Licenses issued as duplicates or to reflect a change of
233 | address....\$10

234 |

235 | Any fire equipment dealer licensed pursuant to this subsection
236 | who does not want to engage in the business of servicing,
237 | inspecting, recharging, repairing, hydrotesting, or installing
238 | clean agent ~~halon~~ equipment must file an affidavit on a form
239 | provided by the division so stating. Licenses will be issued by
240 | the division to reflect the work authorized thereunder. It is
241 | unlawful, unlicensed activity for any person or firm to falsely
242 | hold himself or herself or a business organization out to perform
243 | any service, inspection, recharge, repair, hydrotest, or
244 | installation except as specifically described in the license.

245 | (2) Each individual actually performing the work of
246 | servicing, recharging, repairing, hydrotesting, installing,
247 | testing, or inspecting fire extinguishers or preengineered
248 | systems must possess a valid and subsisting permit issued by the
249 | State Fire Marshal. Permittees are limited as to specific type of
250 | work performed to allow work no more extensive than the class of
251 | license held by the licensee under whom the permittee is working.
252 | Permits will be issued by the division and the fees required are
253 | as follows:

254 | (a) Portable permit....\$90

255 | "Portable permittee" means a person who is limited to performing
256 | work no more extensive than the employing licensee in the



119502

257 servicing, recharging, repairing, installing, or inspecting all
258 types of portable fire extinguishers.

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

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

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

265

266 Any fire equipment permittee licensed pursuant to this subsection
267 who does not want to engage in servicing, inspecting, recharging,
268 repairing, hydrotesting, or installing clean agent ~~halon~~
269 equipment must file an affidavit on a form provided by the
270 division so stating. Permits will be issued by the division to
271 reflect the work authorized thereunder. It is unlawful,
272 unlicensed activity for any person or firm to falsely hold
273 himself or herself out to perform any service, inspection,
274 recharge, repair, hydrotest, or installation except as
275 specifically described in the permit.

276 (3) (a) Such licenses and permits shall be issued by the
277 State Fire Marshal for 2 years beginning January 1, 2000, and
278 each 2-year period thereafter and expiring December 31 of the
279 second year. All licenses or permits issued will expire on
280 December 31 of each odd-numbered year. The failure to renew a
281 license or permit by December 31 of the second year will cause
282 the license or permit to become inoperative. The holder of an
283 inoperative license or permit shall not engage in any activities
284 for which a license or permit is required by this section. A
285 license or permit which is inoperative because of the failure to
286 renew it shall be restored upon payment of the applicable fee



119502

287 plus a penalty equal to the applicable fee, if the application
288 for renewal is filed no later than the following March 31. If the
289 application for restoration is not made before the March 31st
290 deadline, the fee for restoration shall be equal to the original
291 application fee and the penalty provided for herein, and, in
292 addition, the State Fire Marshal shall require reexamination of
293 the applicant. The fee for a license or permit issued for 1 year
294 or less shall be prorated at 50 percent of the applicable fee for
295 a biennial license or permit. Following the initial licensure,
296 each licensee or permittee shall successfully complete a course
297 or courses of continuing education for fire equipment technicians
298 of at least 16 ~~32~~ hours. A license or permit may not be renewed
299 unless the licensee or permittee produces documentation of the
300 completion of at least 16 hours of continuing education for fire
301 equipment technicians during the biennial licensure period within
302 4 years of initial issuance of a license or permit and within
303 each 4-year period thereafter or no such license or permit shall
304 be renewed. A person who is both a licensee and a permittee shall
305 be required to complete a total of 16 ~~32~~ hours of continuing
306 education during each renewal per 4-year period. Each licensee
307 shall ensure that all permittees in his or her employment meet
308 their continuing education requirements. The State Fire Marshal
309 shall adopt rules describing the continuing education
310 requirements and shall have the authority upon reasonable belief,
311 to audit a fire equipment dealer to determine compliance with
312 continuing education requirements.

313 Section 12. Section 633.081, Florida Statutes, is amended
314 to read:

315 633.081 Inspection of buildings and equipment; orders;
316 firesafety inspection training requirements; certification;



119502

317 disciplinary action.--The State Fire Marshal and her or his
318 agents may ~~shall~~, at any reasonable hour, when the department has
319 reasonable cause to believe that a violation of this chapter or
320 s. 509.215, or a rule promulgated thereunder, or a minimum
321 firesafety code adopted by the State Fire Marshal or a local
322 authority, may exist, inspect any and all buildings and
323 structures which are subject to the requirements of this chapter
324 or s. 509.215 and rules promulgated thereunder. The authority to
325 inspect shall extend to all equipment, vehicles, and chemicals
326 which are located on or within the premises of any such building
327 or structure.

328 (1) Each county, municipality, and special district that
329 has firesafety enforcement responsibilities shall employ or
330 contract with a firesafety inspector. The firesafety inspector
331 must conduct all firesafety inspections that are required by law.
332 The governing body of a county, municipality, or special district
333 that has firesafety enforcement responsibilities may provide a
334 schedule of fees to pay only the costs of inspections conducted
335 pursuant to this subsection and related administrative expenses.
336 Two or more counties, municipalities, or special districts that
337 have firesafety enforcement responsibilities may jointly employ
338 or contract with a firesafety inspector.

339 (2) Every firesafety inspection conducted pursuant to state
340 or local firesafety requirements shall be by a person certified
341 as having met the inspection training requirements set by the
342 State Fire Marshal. Such person shall:

343 (a) Be a high school graduate or the equivalent as
344 determined by the department;

345 (b) Not have been found guilty of, or having pleaded guilty
346 or nolo contendere to, a felony or a crime punishable by



119502

347 | imprisonment of 1 year or more under the law of the United
348 | States, or of any state thereof, which involves moral turpitude,
349 | without regard to whether a judgment of conviction has been
350 | entered by the court having jurisdiction of such cases;

351 | (c) Have her or his fingerprints on file with the
352 | department or with an agency designated by the department;

353 | (d) Have good moral character as determined by the
354 | department;

355 | (e) Be at least 18 years of age;

356 | (f) Have satisfactorily completed the firesafety inspector
357 | certification examination as prescribed by the department; and

358 | (g)1. Have satisfactorily completed, as determined by the
359 | department, a firesafety inspector training program of not less
360 | than 200 hours established by the department and administered by
361 | agencies and institutions approved by the department for the
362 | purpose of providing basic certification training for firesafety
363 | inspectors; or

364 | 2. Have received in another state training which is
365 | determined by the department to be at least equivalent to that
366 | required by the department for approved firesafety inspector
367 | education and training programs in this state.

368 | (3)(a)1. Effective July 1, 2011, the classification of
369 | special state firesafety inspector is abolished and all special
370 | state firesafety inspector certifications expire at midnight June
371 | 30, 2011.

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



119502

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

378 (b)1. Any person who is a special state firesafety
379 inspector on July 1, 2008, and who has at least 5 years of
380 experience as a special state firesafety inspector as of July 1,
381 2008, may take the same firesafety inspection examination as
382 provided in paragraph (2)(f) for firesafety inspectors before
383 July 1, 2011, to be certified as a firesafety inspector described
384 in subsection (2).

385 2. Upon passing the examination, the person shall be
386 certified as a firesafety inspector as provided in subsection
387 (2).

388 3. Failure to obtain certification requires compliance with
389 paragraph (c) to be certified as a firesafety inspector as
390 provided in subsection (2).

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

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

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

399
400 must take an additional 80 hours of the courses described in
401 paragraph (2)(g).

402 2. After successfully completing the courses described in
403 this paragraph, such person is permitted to take the firesafety
404 inspection examination described in paragraph (2)(f), if such
405 examination is taken before July 1, 2011.



119502

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

408 4. A person who fails the course of study or the
409 examination described in this paragraph may not perform any
410 firesafety inspection required by law on or after July 1, 2011
411 ~~Each special state firesafety inspection which is required by law~~
412 ~~and is conducted by or on behalf of an agency of the state must~~
413 ~~be performed by an individual who has met the provision of~~
414 ~~subsection (2), except that the duration of the training program~~
415 ~~shall not exceed 120 hours of specific training for the type of~~
416 ~~property that such special state firesafety inspectors are~~
417 ~~assigned to inspect.~~

418 (4) A firefighter certified pursuant to s. 633.35 may
419 conduct firesafety inspections, under the supervision of a
420 certified firesafety inspector, while on duty as a member of a
421 fire department company conducting inservice firesafety
422 inspections without being certified as a firesafety inspector, if
423 such firefighter has satisfactorily completed an inservice fire
424 department company inspector training program of at least 24
425 hours' duration as provided by rule of the department.

426 (5) Every firesafety inspector ~~or special state firesafety~~
427 ~~inspector~~ certificate is valid for a period of 3 years from the
428 date of issuance. Renewal of certification shall be subject to
429 the affected person's completing proper application for renewal
430 and meeting all of the requirements for renewal as established
431 under this chapter or by rule adopted ~~promulgated~~ thereunder,
432 which shall include completion of at least 40 hours during the
433 preceding 3-year period of continuing education as required by
434 the rule of the department or, in lieu thereof, successful
435 passage of an examination as established by the department.



119502

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

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

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

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

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

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

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

453 (g) Making or filing a report or record that the
454 certificateholder knows to be false, or knowingly inducing
455 another to file a false report or record, or knowingly failing to
456 file a report or record required by state or local law, or
457 knowingly impeding or obstructing such filing, or knowingly
458 inducing another person to impede or obstruct such filing.

459 (h) Failing to properly enforce applicable fire codes or
460 permit requirements within this state which the certificateholder
461 knows are applicable by committing willful misconduct, gross
462 negligence, gross misconduct, repeated negligence, or negligence
463 resulting in a significant danger to life or property.

464 (i) Accepting labor, services, or materials at no charge or
465 at a noncompetitive rate from any person who performs work that



119502

466 is under the enforcement authority of the certificateholder and
467 who is not an immediate family member of the certificateholder.
468 For the purpose of this paragraph, the term "immediate family
469 member" means a spouse, child, parent, sibling, grandparent,
470 aunt, uncle, or first cousin of the person or the person's spouse
471 or any person who resides in the primary residence of the
472 certificateholder.

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

475 (8) The State Fire Marshal may develop by rule an advanced
476 training and certification program for firesafety inspectors with
477 fire code management responsibility. This program shall be
478 consistent with national standards. The program shall establish
479 minimum training, education, and experience levels for fire
480 safety inspectors with fire code management responsibilities.

481 (9) The Division of State Fire Marshal may enter into a
482 reciprocity agreement with the Florida Building Code
483 Administrators and Inspectors Board, established pursuant to s.
484 468.605, to facilitate joint recognition of continuing education
485 recertification hours for certificateholders licensed in
486 accordance with s. 468.609 and firesafety inspectors certified in
487 accordance with subsection (2).

488 Section 13. Paragraph (a) of subsection (1) and subsections
489 (2), (3), and (4) of section 633.085, Florida Statutes, are
490 amended to read:

491 633.085 Inspections of state buildings and premises; tests
492 of firesafety equipment; building plans to be approved.--

493 (1)(a) It is the duty of the State Fire Marshal and her or
494 his agents to inspect, or cause to be inspected, each state-owned
495 building and each building located on land owned by the state and



119502

496 used primarily for state purposes as determined by the State Fire
497 Marshal, such buildings to be referred to in this section as a
498 state-owned building or state-owned buildings, on a recurring
499 basis established by rule, and to ensure that high-hazard
500 occupancies are inspected at least annually, for the purpose of
501 ascertaining and causing to be corrected any conditions liable to
502 cause fire or endanger life from fire and any violation of the
503 firesafety standards for state-owned buildings, the provisions of
504 this chapter, or the rules or regulations adopted and promulgated
505 pursuant hereto. The State Fire Marshal shall, within 7 days
506 following an inspection, submit a report of such inspection to
507 the head of the department of state government responsible for
508 the building.

509 (2) The State Fire Marshal and her or his agents may ~~shall~~
510 conduct performance tests on any electronic fire warning and
511 smoke detection system, and any pressurized air-handling unit, in
512 any state-owned building or state-leased space on a recurring
513 basis as provided in subsection (1). The State Fire Marshal and
514 her or his agents shall also ensure that fire drills are
515 conducted in all high-hazard state-owned buildings or high-hazard
516 state-leased ~~high-hazard~~ occupancies at least annually.

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

521 (a) For all new construction or renovation, alteration, or
522 change of occupancy of state-leased space, compliance with the
523 uniform firesafety standards shall be determined by reviewing the
524 plans for the proposed construction or occupancy submitted by the
525 lessor to the Division of State Fire Marshal for review and



119502

526 approval prior to commencement of construction or occupancy,
527 which review shall be completed within 10 working days after
528 receipt of the plans by the Division of State Fire Marshal.

529 (b) The plans for all construction of any new, or
530 renovation or alteration of any existing, state-owned building
531 are subject to the review and approval of the Division of State
532 Fire Marshal for compliance with the uniform firesafety standards
533 prior to commencement of construction or change of occupancy,
534 which review shall be completed within 30 calendar days of
535 receipt of the plans by the Division of State Fire Marshal.

536 (4) The Division of State Fire Marshal may inspect state-
537 owned buildings and space and state-leased space as necessary
538 prior to occupancy or during construction, renovation, or
539 alteration to ascertain compliance with the uniform firesafety
540 standards. Whenever the Division of State Fire Marshal determines
541 by virtue of such inspection or by review of plans that
542 construction, renovation, or alteration of state-owned buildings
543 and state-leased space is not in compliance with the uniform
544 firesafety standards, the Division of State Fire Marshal shall
545 issue an order to cease construction, renovation, or alteration,
546 or to preclude occupancy, of a building until compliance is
547 obtained, except for those activities required to achieve such
548 compliance.

549 Section 14. Section 633.101, Florida Statutes, is amended
550 to read:

551 633.101 Hearings; investigations; investigatory powers of
552 State Fire Marshal; costs of service and witness fees.--

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



119502

556 to matters under investigation. The State Fire Marshal may
557 administer oaths and affirmations, compel the attendance of
558 witnesses or proffering of matter, and collect evidence.

559 (2) If the State Fire Marshal seeks to obtain by request
560 any matter that, or the testimony of any person who, is located
561 outside the state, the person requested shall provide the
562 testimony to the State Fire Marshal or make the matter available
563 to the State Fire Marshal to examine at the place where the
564 matter is located. The State Fire Marshal may designate
565 representatives, including officials of the state in which the
566 matter is located, to inspect the matter on behalf of the State
567 Fire Marshal, and the State Fire Marshal may respond to similar
568 requests from officials of other states. ~~If the State Fire~~
569 ~~Marshal shall be of the opinion that there is sufficient evidence~~
570 ~~to charge any person with an offense, he or she shall cause the~~
571 ~~arrest of such person and shall furnish to the prosecuting~~
572 ~~officer of any court having jurisdiction of said offense all~~
573 ~~information obtained by him or her, including a copy of all~~
574 ~~pertinent and material testimony taken, together with the names~~
575 ~~and addresses of all witnesses. In the conduct of such~~
576 ~~investigations, the fire marshal may request such assistance as~~
577 ~~may reasonably be given by such prosecuting officers and other~~
578 ~~local officials.~~

579 (3) (a) The State Fire Marshal may request that an
580 individual who refuses to comply with any request made under
581 subsection (2) be ordered by the circuit court to provide the
582 testimony or matter. The court may not order such compliance
583 unless the State Fire Marshal has demonstrated to the
584 satisfaction of the court that the testimony of the witness or
585 the matter under request has a direct bearing on matter under the



119502

586 jurisdiction of the State Fire Marshal, constitutes a felony or
587 misdemeanor under this chapter, the Florida Insurance Code, or a
588 fraudulent insurance act or act of arson, or is pertinent and
589 necessary to further such investigation.

590 (b) Except in a prosecution for perjury, an individual who
591 complies with a court order to provide testimony or matter after
592 asserting a privilege against self-incrimination to which the
593 individual is entitled by law may not be subjected to a criminal
594 proceeding or to a civil penalty with respect to the act
595 concerning that which the individual is required to testify or
596 produce relevant matter.

597 (c) In the absence of fraud or bad faith, a person is not
598 subject to civil liability for libel, slander, or any other
599 relevant tort by virtue of filing reports, without malice, or
600 furnishing other information, without malice, required by this
601 chapter or required by the State Fire Marshal under the authority
602 granted in this chapter, and no civil cause of action of any
603 nature shall arise against such person for:

604 1. Any information relating to a matter under the
605 jurisdiction of the State Fire Marshal, suspected violations of
606 the Florida Insurance Code, or fraudulent insurance acts or
607 persons suspected of engaging in such acts furnished to or
608 received from law enforcement officials or their agents or
609 employees;

610 2. Any information relating to any matter under the
611 jurisdiction of the State Fire Marshal, suspected violations of
612 the Florida Insurance Code, fraudulent insurance acts or acts of
613 arson, or persons suspected of engaging in such acts furnished to
614 or received from other persons subject to the provisions of this
615 chapter;



119502

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

619 4. Other actions taken in cooperation with any of the
620 agencies or individuals specified in this paragraph in the lawful
621 investigation of violations under the jurisdiction of the State
622 Fire Marshal, suspected violations of the Florida Insurance Code,
623 or suspected fraudulent insurance acts.

624 (d) In addition to the immunity granted in paragraph (c), a
625 person identified as a designated employee whose responsibilities
626 include the investigation and disposition of violations under the
627 jurisdiction of the State Fire Marshal or the Florida Insurance
628 Code and claims relating to suspected fraudulent insurance acts
629 may share information relating to persons suspected of such acts
630 with other designated employees employed by the same or other
631 insurers whose responsibilities include such acts. Unless the
632 employees of the insurer act in bad faith or in reckless
633 disregard for the rights of any insured, the insurer or its
634 designated employees are not civilly liable for libel, slander,
635 or any other relevant tort, and a civil action does not arise
636 against the insurer or its designated employees for:

637 1. Any information related to any matter under the
638 jurisdiction of the State Fire Marshal, the Florida Insurance
639 Code, or suspected fraudulent insurance acts provided to an
640 insurer; or

641 2. Any information relating to any matter under the
642 jurisdiction of the State Fire Marshal, the Florida Insurance
643 Code, or suspected fraudulent insurance acts provided to the
644 National Insurance Crime Bureau or the National Association of
645 Insurance Commissioners.



119502

646
647 However, the qualified immunity against civil liability conferred
648 on any insurer or its designated employees shall be forfeited
649 with respect to the exchange or publication of any defamatory
650 information with third persons not expressly authorized by this
651 paragraph to share in such information.

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

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

662 (4) Papers, documents, reports, or evidence relative to the
663 subject of an investigation under this section are not subject to
664 discovery until the investigation is completed or ceases to be
665 active. Agents of the State Fire Marshal are not subject to
666 subpoena in civil actions by any court of this state to testify
667 concerning any matter of which they have knowledge pursuant to a
668 pending investigation by the State Fire Marshal. All persons so
669 summoned and so testifying shall be entitled to the same witness
670 fees and mileage as provided for witnesses testifying in the
671 circuit courts of this state, and officers serving subpoenas or
672 orders of the fire marshal shall be paid in like manner for like
673 services in such courts, from the funds herein provided.

674 (5) Any person, other than an insurer, agent, or other
675 person licensed under the Florida Insurance Code, or an employee



119502

676 of such licensee, having knowledge or a belief that a crime
677 involving arson, a destructive device, an illegal possession of
678 explosives, a fraudulent insurance act, or any other act or
679 practice which, upon conviction, constitutes a felony or a
680 misdemeanor under this chapter, the Florida Insurance Code, or s.
681 817.233, is being or has been committed may submit to the State
682 Fire Marshal a report or information pertinent to such knowledge
683 or belief and such additional information relative to such
684 knowledge or belief as the State Fire Marshal may request. Any
685 insurer, agent, or other person licensed under the Florida
686 Insurance Code, or an employee of such licensee, having knowledge
687 or a belief that a crime involving arson, a destructive device,
688 an illegal possession of explosives, or any other act or practice
689 which, upon conviction, constitutes a felony or a misdemeanor
690 under this chapter or s. 817.233, is being or has been committed,
691 shall send to the State Fire Marshal a report or information
692 pertinent to such knowledge or belief and such additional
693 information relative to such knowledge or belief as the State
694 Fire Marshal may require. The State Fire Marshal shall review
695 such information or reports and select such information or
696 reports as, in his or her judgment, may require further
697 investigation. The State Fire Marshal shall then cause an
698 independent examination of the facts surrounding such information
699 or report to be made to determine the extent, if any, to which a
700 crime involving arson, a destructive device, or a fraudulent
701 insurance act, or any other act or practice that, upon
702 conviction, constitutes a felony or a misdemeanor under this
703 chapter, the Florida Insurance Code, or s. 817.233 is being or
704 has been committed. The State Fire Marshal shall report any
705 alleged violations of law which his or her investigations reveal



119502

706 to the appropriate licensing agency and state attorney or other
707 prosecuting agency having jurisdiction with respect to any such
708 violation.

709 (6) It is unlawful for any person to resist an arrest by an
710 agent of the State Fire Marshal authorized by this section or in
711 any manner to interfere, by abetting or assisting such resistance
712 or otherwise interfering, with any Division of State Fire Marshal
713 investigator in the duties imposed upon such agent or
714 investigator by law or department rule.

715 Section 15. Section 633.121, Florida Statutes, is amended
716 to read:

717 633.121 Persons authorized to enforce laws and rules of
718 State Fire Marshal.--The chiefs of county, municipal, and
719 special-district fire departments; other fire department
720 personnel designated by their respective chiefs; ~~and~~ personnel
721 designated by local governments having no organized fire
722 departments; and all law enforcement officers in the state duly
723 certified under chapter 943 and acting upon the request of the
724 State Fire Marshal or a chief of a county, municipal, or special
725 district fire department may ~~are authorized to~~ enforce this
726 chapter law and all rules adopted ~~prescribed~~ by the State Fire
727 Marshal within their respective jurisdictions. Such personnel
728 acting under the authority of this section shall be deemed to be
729 agents of their respective jurisdictions, not agents of the State
730 Fire Marshal.

731 Section 16. Section 633.13, Florida Statutes, is amended to
732 read:

733 633.13 State Fire Marshal; authority of agents.--The
734 authority given the State Fire Marshal under this chapter or any
735 rule or order adopted by the State Fire Marshal ~~law~~ may be



119502

736 exercised by his or her agents, either individually or in
737 conjunction with any other state or local official charged with
738 similar responsibilities.

739 Section 17. Section 633.14, Florida Statutes, is amended to
740 read:

741 633.14 Agents; powers to make arrests, conduct searches and
742 seizures, serve summonses, and carry firearms.--Agents or
743 investigators of the State Fire Marshal have the power to make
744 arrests for criminal violations established as a result of
745 investigations. Such agents or investigators shall also be
746 considered state law enforcement officers for all purposes and
747 shall have the power to execute arrest warrants and search
748 warrants; serve subpoenas issued for the examination,
749 investigation, and trial of all offenses; and to arrest upon
750 probable cause, without warrant, any person violating any
751 provision of the laws of this state. Agents or investigators
752 empowered to make arrests under this section may bear arms in the
753 performance of their duties. In such a situation, the
754 investigator must be certified in compliance with the provisions
755 of s. 943.1395 or must meet the temporary employment or
756 appointment exemption requirements of s. 943.131 until certified
757 ~~shall have the same authority to serve summonses, make arrests,~~
758 ~~carry firearms, and make searches and seizures, as the sheriff or~~
759 ~~her or his deputies, in the respective counties where such~~
760 ~~investigations, hearings, or inspections may be held; and~~
761 ~~affidavits necessary to authorize any such arrests, searches, or~~
762 ~~seizures may be made before any trial court judge having~~
763 ~~authority under the law to issue appropriate processes.~~

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



119502

766 633.161 Violations; orders to cease and desist, correct
767 hazardous conditions, preclude occupancy, or vacate; enforcement;
768 penalties.--

769 (1) If it is determined by the department that a violation
770 specified in this subsection exists, the State Fire Marshal or
771 her or his agent ~~deputy~~ may issue and deliver to the person
772 committing the violation an order to cease and desist from such
773 violation, to correct any hazardous condition, to preclude
774 occupancy of the affected building or structure, or to vacate the
775 premises of the affected building or structure. Such violations
776 consist of ~~are~~:

777 (a) Except as set forth in paragraph (b), a violation of
778 any provision of this chapter, of any rule adopted pursuant
779 thereto, of any applicable uniform firesafety standard adopted
780 pursuant to s. 633.022 which is not adequately addressed by any
781 alternative requirements adopted on a local level, or of any
782 minimum firesafety standard adopted pursuant to s. 394.879.

783 (b) A substantial violation of an applicable minimum
784 firesafety standard adopted pursuant to s. 633.025 which is not
785 reasonably addressed by any alternative requirement imposed at
786 the local level, or an unreasonable interpretation of an
787 applicable minimum firesafety standard, and which violation or
788 interpretation clearly constitutes a danger to lifesafety.

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

792 (d) A building or structure which contains explosive matter
793 or flammable liquids or gases constituting a danger to life,
794 safety, or property.



119502

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

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

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

802 633.171 Penalty for violation of law, rule, or order to
803 cease and desist or for failure to comply with corrective
804 order.--

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

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

812 633.175 Investigation of fraudulent insurance claims and
813 crimes; immunity of insurance companies supplying information.--

814 (1) In addition to the other powers granted by this
815 chapter, the State Fire Marshal or an agent appointed pursuant to
816 s. 633.02, any law enforcement officer as defined in s. 111.065,
817 any law enforcement officer of a federal agency, or any fire
818 department official who is engaged in the investigation of a fire
819 loss may request any insurance company or its agent, adjuster,
820 employee, or attorney, investigating a claim under an insurance
821 policy or contract with respect to a fire to release any
822 information whatsoever in the possession of the insurance company
823 or its agent, adjuster, employee, or attorney relative to a loss
824 from that fire. The insurance company shall release the available



119502

825 information to and cooperate with any official authorized to
826 request such information pursuant to this section. The
827 information shall include, but shall not be limited to:

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

830 (b) Any policy premium payment records.

831 (c) The records, reports, and all material pertaining to
832 any previous claims made by the insured with the reporting
833 company.

834 (d) Material relating to the investigation of the loss,
835 including statements of any person, proof of loss, and other
836 relevant evidence.

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

840 Section 21. Section 633.18, Florida Statutes, is amended to
841 read:

842 633.18 State Fire Marshal; hearings and investigations;
843 subpoena of witnesses; orders of circuit court.--Any agent
844 designated by the State Fire Marshal for such purposes, may hold
845 hearings, sign and issue subpoenas, administer oaths, examine
846 witnesses, receive evidence, and require by subpoena the
847 attendance and testimony of witnesses and the production of such
848 accounts, records, memoranda or other evidence, as may be
849 material for the determination of any complaint or conducting any
850 inquiry or investigation under this chapter or any rule or order
851 of the State Fire Marshal law. In case of disobedience to a
852 subpoena, the State Fire Marshal or his or her agent may invoke
853 the aid of any court of competent jurisdiction in requiring the
854 attendance and testimony of witnesses and the production of



119502

855 accounts, records, memoranda or other evidence and any such court
856 may in case of contumacy or refusal to obey a subpoena issued to
857 any person, issue an order requiring the person to appear before
858 the State Fire Marshal's agent or produce accounts, records,
859 memoranda or other evidence, as so ordered, or to give evidence
860 touching any matter pertinent to any complaint or the subject of
861 any inquiry or investigation, and any failure to obey such order
862 of the court shall be punished by the court as a contempt
863 thereof.

864 Section 22. Section 633.30, Florida Statutes, is amended to
865 read:

866 633.30 Standards for firefighting; definitions.--As used in
867 this chapter, the term:

868 (1) "Career firefighter" means a person who is compensated
869 at an hourly or salaried rate and whose work hours are scheduled
870 in advance to maintain a schedule of coverage at a station,
871 facility, or area to function as described in subsection (8)
872 ~~"Firefighter" means any person initially employed as a full-time~~
873 ~~professional firefighter by any employing agency, as defined~~
874 ~~herein, whose primary responsibility is the prevention and~~
875 ~~extinguishment of fires, the protection and saving of life and~~
876 ~~property, and the enforcement of municipal, county, and state~~
877 ~~fire prevention codes, as well as of any law pertaining to the~~
878 ~~prevention and control of fires.~~

879 (2) "Council" means the Firefighters Employment, Standards,
880 and Training Council ~~"Employing agency" means any municipality or~~
881 ~~county, the state, or any political subdivision of the state,~~
882 ~~including authorities and special districts, employing~~
883 ~~firefighters as defined in subsection (1).~~



119502

884 (3) "Department" means the Department of Financial
885 Services.

886 (4) "Division" means the Division of State Fire Marshal of
887 the Department of Financial Services ~~"Council" means the~~
888 ~~Firefighters Employment, Standards, and Training Council.~~

889 (5) "Employing agency" means any municipality or county,
890 the state, or any political subdivision of the state, including
891 authorities, special districts, or any private entity under
892 contract with such entities ~~"Division" means the Division of~~
893 ~~State Fire Marshal of the Department of Financial Services.~~

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

899 (7) "Fire service apprentice" means any high school student
900 who completes a high school course of instruction and examination
901 approved by the department that includes specified components of
902 firefighter I and II certification in accordance with the
903 division's rules. Before the age of 18, a fire service apprentice
904 may function as a fireground resource technician with a
905 recognized fire department. Upon age of 18 and graduation from
906 high school, the fire service apprentice may complete the
907 outstanding components of firefighter I and II certification
908 training and become certified at level II in accordance with the
909 division's rules.

910 (8) "Firefighter" means any person whose responsibility is
911 the emergency response to fires and other emergencies, the
912 prevention and extinguishment of fires, the protection and saving
913 of life and property, and the enforcement of municipal, county,



119502

914 and state fire prevention codes, as well as of any law pertaining
915 to the prevention and control of fires.

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

921 (10) "Firefighter II" means a person who has successfully
922 completed the firefighter II training program and is certified at
923 level II in accordance with the division's rules. Firefighter II
924 is the minimum level of certification to function as a career
925 firefighter as set forth in subsection (2). For purposes of this
926 chapter, a certificate of compliance at level II replaces the
927 previous certificate of compliance required to be a career
928 firefighter. Firefighters currently certified with a certificate
929 of compliance are deemed to be in compliance with the
930 requirements of this chapter and need not become certified as a
931 firefighter II.

932 (11) "Fireground resource technician" means a volunteer
933 exterior firefighter or support person who is not qualified by
934 certification to be an interior firefighter but who has completed
935 a course of instruction in accordance with the division's rules.
936 Fireground resource technician is the minimum level of
937 certification to function on the fireground in accordance with
938 division rules.

939 Section 23. Section 633.34, Florida Statutes, is amended to
940 read:

941 633.34 Firefighters; qualifications for employment.--

942 (1) Any person applying for employment as a firefighter
943 must:



119502

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

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

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

952 2. Misdemeanor involving moral turpitude, or misleading or
953 false statements relating to certification or employment as a
954 firefighter.

955
956 If an applicant has been sentenced for any conviction of a felony
957 or a misdemeanor, the applicant is not eligible for certification
958 until 4 years after the expiration of any sentence. If a sentence
959 is suspended or adjudication is withheld and a period of
960 probation is imposed, the applicant must have been released from
961 probation ~~Neither have been convicted of a felony or of a~~
962 ~~misdemeanor directly related to the position of employment~~
963 ~~sought, nor have pled nolo contendere to any charge of a felony.~~
964 ~~If an applicant has been convicted of a felony, such applicant~~
965 ~~must be in compliance with s. 112.011(2) (b). If an applicant has~~
966 ~~been convicted of a misdemeanor directly related to the position~~
967 ~~of employment sought, such applicant shall be excluded from~~
968 ~~employment for a period of 4 years after expiration of sentence.~~
969 ~~If the sentence is suspended or adjudication is withheld in a~~
970 ~~felony charge or in a misdemeanor directly related to the~~
971 ~~position or employment sought and a period of probation is~~
972 ~~imposed, the applicant must have been released from probation.~~



119502

973 (c)(3) Pay for and submit fingerprints as directed by the
974 division ~~Submit a fingerprint card to the division with a current~~
975 ~~processing fee.~~ The fingerprints shall fingerprint card will be
976 forwarded to the Department of Law Enforcement or and/or the
977 Federal Bureau of Investigation, or both, as directed by division
978 rule.

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

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

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

999 (2) A person who does not hold a fire service apprentice,
1000 fireground resource technician, firefighter I, or firefighter II
1001 certificate may not respond or engage in hazardous operations,
1002 including, but not limited to, interior structural firefighting,



119502

1003 hazardous-materials-incident mitigation, and incident command,
1004 requiring the knowledge and skills taught in the training
1005 programs established in s. 633.35, regardless of volunteer or
1006 employment status.

1007 Section 24. Section 633.35, Florida Statutes, is amended to
1008 read:

1009 633.35 Firefighter training and certification.--

1010 (1) The division shall establish by rule a firefighter
1011 training programs for certification as a fireground resource
1012 technician, a fire service apprentice, a firefighter I, and a
1013 firefighter II, to be ~~program of not less than 360 hours,~~
1014 administered by such agencies and institutions as approved by the
1015 division in accordance with division rules ~~it approves~~ for the
1016 purpose of providing ~~basic employment~~ training for firefighters.
1017 Nothing herein shall require a public employer to pay the cost of
1018 such training.

1019 (2) The division shall issue certificates ~~a certificate~~ of
1020 compliance for certification as a fireground resource technician,
1021 a fire service apprentice, a firefighter I, and a firefighter II
1022 to any person who has satisfactorily completed ~~complying with~~ the
1023 training programs ~~program~~ established in subsection (1), who has
1024 successfully passed an examination as prescribed by the division,
1025 and who possesses the qualifications specified ~~for employment~~ in
1026 s. 633.34, ~~except s. 633.34(5)~~. ~~A~~ ~~No~~ person may not be employed
1027 as a career ~~regular or permanent~~ firefighter by an employing
1028 agency, or by a private entity under contract with the state or
1029 any political subdivision of the state, including authorities and
1030 special districts, unless certified as a firefighter II, except
1031 for an individual hired to be trained and become certified as a
1032 firefighter II. An individual hired to be trained and become



119502

1033 certified as a firefighter II has a maximum of ~~for a period of~~
1034 ~~time in excess of~~ 1 year from the date of initial employment to
1035 obtain the firefighter II ~~until he or she has obtained such~~
1036 certificate of compliance. A person who does not hold a
1037 firefighter II certificate of compliance and is employed under
1038 this section may not directly engage in hazardous operations,
1039 such as interior structural firefighting and hazardous-materials-
1040 incident mitigation, requiring the knowledge and skills taught in
1041 a training program established in subsection (1), including
1042 incident command. However, a person who is certified and has been
1043 employed by ~~served as a volunteer firefighter with~~ the state or
1044 any political subdivision of the state, including authorities and
1045 special districts, who is then employed as a career ~~regular or~~
1046 ~~permanent~~ firefighter may function, during this period, in the
1047 same capacity in which he or she acted prior to being employed as
1048 a career firefighter as a volunteer firefighter, ~~provided that he~~
1049 ~~or she has completed all training required by the volunteer~~
1050 ~~organization.~~

1051 (3) The division may issue a certificate of compliance at
1052 the firefighter I or firefighter II level to any person who has
1053 received basic employment training for firefighters in another
1054 state when the division has determined that such training was at
1055 least equivalent to that required by the division for approved
1056 firefighter education and training programs in this state and
1057 when such person has satisfactorily complied with all other
1058 requirements of this section. The division may also issue a
1059 special certificate to a person who is otherwise qualified under
1060 this section and who is employed as the administrative and
1061 command head of a fire/rescue/emergency services organization,
1062 based on the acknowledgment that such person is less likely to



119502

1063 need physical dexterity and more likely to need advanced
1064 knowledge of firefighting and supervisory skills. The certificate
1065 is valid only while the person is serving in a position as an
1066 administrative and command head of a fire/rescue/emergency
1067 services organization and must be obtained prior to employment in
1068 such capacity.

1069 (4) A person who fails an examination given under this
1070 section may retake the examination once within 6 months after the
1071 original examination date. An applicant who does not pass ~~retake~~
1072 the examination within such time must repeat or take the
1073 applicable training program ~~Minimum Standards Course~~, pursuant to
1074 subsection (1), before being reexamined. The division may
1075 establish reasonable preregistration deadlines for such
1076 reexaminations.

1077 (5) Pursuant to s. 590.02(1)(e), the division shall
1078 establish a structural fire training program of not less than 40
1079 hours. The division shall issue to any person satisfactorily
1080 complying with this training program and who has successfully
1081 passed an examination as prescribed by the division and who has
1082 met the requirements of s. 590.02(1)(e) a Certificate of Forestry
1083 Firefighter.

1084 (6) A certified forestry firefighter is entitled to the
1085 same rights, privileges, and benefits provided for by law as a
1086 career ~~certified~~ firefighter. For the purposes of this statute,
1087 forestry compliance certification is equivalent to firefighter
1088 II.

1089 Section 25. Section 633.351, Florida Statutes, is amended
1090 to read:

1091 633.351 Disciplinary action; firefighters; standards for
1092 revocation of certification.--



119502

1093 (1) The certification of a firefighter shall be revoked if
1094 evidence is found that the certification was improperly issued by
1095 the division or if evidence is found that the certification was
1096 issued on the basis of false, incorrect, incomplete, or
1097 misleading information.

1098 (2) The certification of a firefighter who has been
1099 adjudicated guilty of, or pled guilty or nolo contendere to, any
1100 felony, or any misdemeanor involving moral turpitude, or
1101 misleading or false statements relating to the certification or
1102 employment as a firefighter, shall be revoked. In the case of a
1103 felony, the certification may not be reinstated ~~is convicted of a~~
1104 ~~felony, or who is convicted of a misdemeanor relating to~~
1105 ~~misleading or false statements, or who pleads nolo contendere to~~
1106 ~~any charge of a felony shall be revoked~~ until the firefighter
1107 complies with s. 112.011(2)(b). However, if sentence upon such
1108 felony or such misdemeanor charge is suspended or adjudication is
1109 withheld, the firefighter's revocation of certification shall
1110 continue for a period of 4 years after expiration of completion
1111 of any probation before the applicant is eligible for
1112 recertification ~~be revoked until she or he completes any~~
1113 ~~probation.~~

1114 (3) It is a violation of certification for any career
1115 firefighter as defined in this chapter, whose initial employment
1116 date is on or after July 1, 2008, to use tobacco products. An
1117 investigation by the local firefighter employer which determines
1118 such use, confirmed by legal means such as nicotine or cotinine
1119 testing, shall result in the suspension of the firefighter's
1120 state certification, requiring suspension or termination of
1121 employment. The division shall adopt rules setting forth the
1122 criteria for testing, investigation, and notification of the



119502

1123 division by the local firefighter employer of violations, actions
1124 to be taken by the division, reinstatement of certification with
1125 appropriate medical approval and surveillance, and the number of
1126 violations allowed before permanent revocation of firefighter
1127 certification.

1128 Section 26. Section 633.352, Florida Statutes, is amended
1129 to read:

1130 633.352 Retention of firefighter certification.--

1131 (1) Any certified firefighter who has not been active as a
1132 firefighter, or as a volunteer firefighter with an organized fire
1133 department, for a period of 3 years shall be required to retake
1134 and pass the written and practical portions ~~portion~~ of the
1135 ~~minimum standards state~~ examination specified in division rules
1136 ~~rule 4A-37.056(6)(b), Florida Administrative Code,~~ in order to
1137 maintain her or his certification as a firefighter. ~~;~~ ~~however,~~

1138 (2) This requirement does not apply to state-certified
1139 firefighters who are certified and employed as full-time fire
1140 safety inspectors by a fire department employing agency or to
1141 instructors regardless of their employment status ~~instructors, as~~
1142 ~~determined by the division.~~

1143 (3) The 3-year period begins on the date the firefighter I
1144 or firefighter II certificate of compliance is issued, ~~or~~ upon
1145 termination of service with an organized fire department, or upon
1146 expiration of instructor certification.

1147 Section 27. Paragraph (b) of subsection (1) and paragraph
1148 (a) of subsection (2) of section 633.382, Florida Statutes, are
1149 amended to read:

1150 633.382 Firefighters; supplemental compensation.--

1151 (1) DEFINITIONS.--As used in this section, the term:



119502

1152 (b) "Firefighter" means any person who meets the definition
1153 ~~of the term "firefighter" in s. 633.30(2) and (10) s. 633.30(1)~~
1154 ~~who is certified in compliance with s. 633.35 and~~ who is employed
1155 solely within the fire department of the employing agency or is
1156 employed by the division.

1157 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1158 (a) In addition to the compensation now paid by an
1159 employing agency to a any firefighter II, every career
1160 firefighter shall be paid supplemental compensation by the
1161 employing agency when such firefighter has complied with one of
1162 the following criteria:

1163 1. Any firefighter II who receives an associate degree from
1164 an accredited a college, which degree is applicable to fire
1165 department duties, as outlined in policy guidelines of the
1166 division, shall be additionally compensated as outlined in
1167 paragraph (3) (a).

1168 2. Any firefighter II, regardless of whether or not she or
1169 he earned an associate degree earlier, who receives from an
1170 accredited college or university a bachelor's degree, which
1171 bachelor's degree is applicable to fire department duties, as
1172 outlined in policy guidelines of the division, shall receive
1173 compensation as outlined in paragraph (3) (b).

1174 Section 28. Subsection (3) is added to section 633.524,
1175 Florida Statutes, to read:

1176 633.524 Certificate and permit fees; use and deposit of
1177 collected funds.--

1178 (3) The State Fire Marshal may enter into a contract with
1179 any qualified public entity or private company in accordance with
1180 chapter 287 to provide examinations for any applicant for any
1181 examination administered under the jurisdiction of the State Fire



119502

1182 Marshal under this chapter or any other chapter under the
1183 jurisdiction of the State Fire Marshal. The State Fire Marshal
1184 may have payments from each applicant for each examination made
1185 directly to such public entity or private company.

1186 Section 29. Subsections (1) and (4) of section 633.541,
1187 Florida Statutes, are amended to read:

1188 633.541 Contracting without certificate prohibited;
1189 violations; penalty.--

1190 (1) It is unlawful for any organization or individual to
1191 engage in the business of, the layout, fabrication, installation,
1192 inspection, alteration, repair, or service of a fire protection
1193 system, other than a preengineered system, act in the capacity of
1194 a fire protection contractor, or advertise itself as being a fire
1195 protection contractor without having been duly certified and
1196 holding a valid and existing certificate, except as hereinafter
1197 provided. The holder of a certificate used to qualify an
1198 organization must be a full-time employee of the qualified
1199 organization or business. A certificateholder who is employed by
1200 more than one fire protection contractor during the same period
1201 of time is deemed not to be a full-time employee of either
1202 contractor. The State Fire Marshal shall revoke, for a period of
1203 time determined by the State Fire Marshal, the certificate of a
1204 certificateholder who allows the use of the certificate to
1205 qualify a company of which the certificateholder is not a full-
1206 time employee. A contractor who maintains more than one place of
1207 business must employ a certificateholder at each location.
1208 ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~ an
1209 employee acting on behalf of governmental entities from
1210 inspecting and enforcing firesafety codes, provided such employee
1211 is certified under s. 633.081, or an owner of a one or two family



119502

1212 dwelling from inspecting or maintaining the fire protection
1213 system for his or her own house.

1214 (4) In addition to the penalties provided in subsection
1215 (3), a fire protection contractor certified under this chapter
1216 who violates any provision of this chapter ~~section~~ or who commits
1217 any act constituting cause for disciplinary action is subject to
1218 suspension or revocation of the certificate and administrative
1219 fines pursuant to s. 633.547.

1220 Section 30. Subsection (4) of section 633.72, Florida
1221 Statutes, is amended to read:

1222 633.72 Florida Fire Code Advisory Council.--

1223 (4) Each appointee shall serve a 4-year term. No member
1224 shall serve more than two consecutive terms ~~one term~~. No member
1225 of the council shall be paid a salary as such member, but each
1226 shall receive travel and expense reimbursement as provided in s.
1227 112.061.

1228 Section 31. Section 633.811, Florida Statutes, is amended
1229 to read:

1230 633.811 Firefighter employer penalties.--If any firefighter
1231 employer violates or fails or refuses to comply with ss. 633.801-
1232 633.821, or with any rule adopted by the division under such
1233 sections in accordance with chapter 120 for the prevention of
1234 injuries, accidents, or occupational diseases or with any lawful
1235 order of the division in connection with ss. 633.801-633.821, or
1236 fails or refuses to furnish or adopt any safety device,
1237 safeguard, or other means of protection prescribed by division
1238 rule under ss. 633.801-633.821 for the prevention of accidents or
1239 occupational diseases, the division may issue an administrative
1240 cease and desist order, enforceable in the circuit court in the
1241 jurisdiction where the violation is occurring or has occurred,



119502

1242 and assess an administrative fine against a firefighter employer
1243 of not less than \$100 nor more than \$1,000 for each violation and
1244 each day of each violation. The administrative penalty assessment
1245 shall be subject to the provisions of chapter 120. The division
1246 may also assess against the firefighter employer a civil penalty
1247 of not less than \$100 nor more than \$5,000 for each day the
1248 violation, omission, failure, or refusal continues after the
1249 firefighter employer has been given written notice of such
1250 violation, omission, failure, or refusal. The total penalty for
1251 each violation shall not exceed \$50,000. The division shall adopt
1252 rules requiring penalties commensurate with the frequency or
1253 severity of safety violations. A hearing shall be held in the
1254 county in which the violation, omission, failure, or refusal is
1255 alleged to have occurred, unless otherwise agreed to by the
1256 firefighter employer and authorized by the division. All
1257 penalties assessed and collected under this section shall be
1258 deposited in the Insurance Regulatory Trust Fund.

1259 Section 32. Subsection (3) of section 633.821, Florida
1260 Statutes, is amended to read:

1261 633.821 Workplace safety.--

1262 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
1263 individuals located outside the immediately dangerous to life and
1264 health atmosphere may be assigned to an additional role, such as
1265 incident commander, pumper operator, engineer, or driver, so long
1266 as such individual is able to immediately perform assistance or
1267 rescue activities without jeopardizing the safety or health of
1268 any firefighter working at an incident. ~~Also with respect to 29~~
1269 ~~C.F.R. s. 1910.134(g)(4):~~



119502

1270 ~~(a) Each county, municipality, and special district shall~~
1271 ~~implement such provision by April 1, 2002, except as provided in~~
1272 ~~paragraphs (b) and (c).~~

1273 ~~(b) If any county, municipality, or special district is~~
1274 ~~unable to implement such provision by April 1, 2002, without~~
1275 ~~adding additional personnel to its firefighting staff or~~
1276 ~~expending significant additional funds, such county,~~
1277 ~~municipality, or special district shall have an additional 6~~
1278 ~~months within which to implement such provision. Such county,~~
1279 ~~municipality, or special district shall notify the division that~~
1280 ~~the 6-month extension to implement such provision is in effect in~~
1281 ~~such county, municipality, or special district within 30 days~~
1282 ~~after its decision to extend the time for the additional 6~~
1283 ~~months. The decision to extend the time for implementation shall~~
1284 ~~be made prior to April 1, 2002.~~

1285 ~~(c) If, after the extension granted in paragraph (b), the~~
1286 ~~county, municipality, or special district, after having worked~~
1287 ~~with and cooperated fully with the division and the Firefighters~~
1288 ~~Employment, Standards, and Training Council, is still unable to~~
1289 ~~implement such provisions without adding additional personnel to~~
1290 ~~its firefighting staff or expending significant additional funds,~~
1291 ~~such municipality, county, or special district shall be exempt~~
1292 ~~from the requirements of 29 C.F.R. s. 1910.134(g)(4). However,~~
1293 ~~each year thereafter the division shall review each such county,~~
1294 ~~municipality, or special district to determine if such county,~~
1295 ~~municipality, or special district has the ability to implement~~
1296 ~~such provision without adding additional personnel to its~~
1297 ~~firefighting staff or expending significant additional funds. If~~
1298 ~~the division determines that any county, municipality, or special~~
1299 ~~district has the ability to implement such provision without~~



119502

1300 ~~adding additional personnel to its firefighting staff or~~
1301 ~~expending significant additional funds, the division shall~~
1302 ~~require such county, municipality, or special district to~~
1303 ~~implement such provision. Such requirement by the division under~~
1304 ~~this paragraph constitutes final agency action subject to chapter~~
1305 ~~120.~~

1306 Section 33. Subsection (8) of section 1013.12, Florida
1307 Statutes, is repealed.

1308
1309 ===== T I T L E A M E N D M E N T =====

1310 And the title is amended as follows:

1311 Delete line(s) 2-40

1312 and insert:

1313 An act relating to fire prevention and control; creating
1314 s. 633.042, F.S.; providing a short title; providing
1315 legislative findings and intent; providing definitions;
1316 providing cigarette testing methods and performance
1317 standards; providing specific testing criteria; requiring
1318 manufacturers to provide certain written certification;
1319 requiring cigarettes to be marked in specific manners;
1320 providing for alternative testing methods under certain
1321 circumstances; providing reporting requirements; providing
1322 the Division of Alcoholic Beverages and Tobacco with
1323 certain powers and responsibilities; providing
1324 certification requirements for manufacturers; providing
1325 fee; providing for the deposit of certification fees into
1326 the Reduced Cigarette Ignition Propensity and Firefighter
1327 Protection Enforcement Trust Fund; providing requirements
1328 for the marking of certain cigarette packaging; providing
1329 reporting requirements; providing approval requirements



119502

1330 | for markings submitted to the division by a manufacturer;
1331 | providing notification requirements; providing fines and
1332 | penalties; providing for the deposit of penalties into the
1333 | Fire Prevention and Public Safety Trust Fund; providing
1334 | the division with rulemaking authority; authorizing
1335 | certain government entities with inspection powers to
1336 | examine specified documents of any person in possession,
1337 | control, or occupancy of any premises where cigarettes are
1338 | placed, stored, sold, or offered for sale, as well as the
1339 | stock of cigarettes on the premises; providing that
1340 | nothing in the act shall be construed to prohibit any
1341 | person or entity from manufacturing or selling cigarettes
1342 | that do not meet the specified requirements if such
1343 | cigarettes are or will be stamped for sale in another
1344 | state or are packaged for sale outside the United States;
1345 | providing for repeal upon the enactment of a preemptive
1346 | federal standard; prohibiting local government units from
1347 | enacting and enforcing any ordinance or other local law or
1348 | regulation that conflicts with, or is preempted by, any
1349 | provision of the act; amending ss. 218.23 and 447.203,
1350 | F.S.; revising cross-references; amending s. 553.895,
1351 | F.S.; revising outdated publication references; amending
1352 | s. 633.02, F.S.; providing the correct name for the State
1353 | Fire Marshal; amending s. 633.022, F.S.; revising
1354 | provisions relating to uniform firesafety standards to
1355 | include application to tunnels; revising requirements
1356 | pertaining to supervised automatic sprinkler systems
1357 | within nursing homes; requiring a nursing home licensee to
1358 | submit complete sprinkler construction documents to the
1359 | Agency for Health Care Administration by a specified date;



119502

1360 requiring such licensee to gain final approval from the
1361 agency to start construction by a specified date;
1362 authorizing the agency to extend the deadline under
1363 certain circumstances; amending s. 633.0245, F.S.;
1364 changing the application deadline for participation in the
1365 State Fire Marshal Nursing Home Loan Guarantee Program;
1366 amending s. 633.025, F.S.; providing requirements for
1367 firesafety plans and inspections for manufactured
1368 buildings; amending s. 633.03, F.S.; expanding application
1369 of authority of the State Fire Marshal to investigate
1370 fires to include explosions; amending s. 633.061, F.S.;
1371 revising the type of fire suppression equipment in which a
1372 person must be licensed in order to engage in the business
1373 of servicing, inspecting, recharging, hydrotesting, or
1374 installing; revising the requirements for the renewal of a
1375 license to engage in the business of servicing,
1376 inspecting, recharging, hydrotesting, or installing fire
1377 suppression equipment; amending s. 633.081, F.S.;
1378 authorizing the State Fire Marshal to inspect buildings or
1379 structures for certain violations; abolishing special
1380 state firesafety inspector classifications; providing for
1381 certification as a firesafety inspector; providing
1382 application and examination requirements; authorizing the
1383 State Fire Marshal to develop a certain advanced training
1384 and certification program for firesafety inspectors;
1385 authorizing the Division of State Fire Marshal to enter
1386 into a reciprocity agreement with the Florida Building
1387 Code Administrators and Inspectors Board for certain
1388 continuing education recertification purposes; amending s.
1389 633.085, F.S.; revising requirements for the State Fire



119502

1390 Marshal to inspect state buildings; amending s. 633.101,
1391 F.S.; revising and expanding the authority and powers of
1392 the State Fire Marshal to administer oaths, compel
1393 attendance of witnesses, and collect evidence; providing
1394 certain forms of immunity from liability for certain
1395 actions and persons under certain circumstances; exempting
1396 certain information from discovery under certain
1397 circumstances; exempting agents of the State Fire Marshal
1398 from subpoena under certain circumstances; specifying
1399 limitations on treatment of physical evidence; authorizing
1400 persons and agents of the State Fire Marshal to submit
1401 certain crime-related reports or information to the State
1402 Fire Marshal; authorizing agents of the State Fire Marshal
1403 to make arrests as state law enforcement officers under
1404 certain circumstances; providing that it is unlawful to
1405 resist arrest; amending s. 633.121, F.S.; expanding the
1406 list of eligible persons authorized to enforce laws and
1407 rules of the State Fire Marshal; amending s. 633.13, F.S.;
1408 revising a provision relating to the authority of agents
1409 of the State Fire Marshal; amending s. 633.14, F.S.;
1410 revising and expanding powers regarding arrests, searches,
1411 and the carrying of firearms by State Fire Marshal agents
1412 and investigators; amending s. 633.161, F.S.; expanding
1413 the list of violations for which the State Fire Marshal
1414 may issue certain enforcement orders; providing criminal
1415 penalties for failure to comply with such orders; amending
1416 s. 633.171, F.S.; conforming a provision; amending s.
1417 633.175, F.S.; specifying additional powers granted to the
1418 State Fire Marshal; amending s. 633.18, F.S.; revising a
1419 provision relating to conduct of inquiries or



119502

1420 investigations by agents of the State Fire Marshal;
1421 amending s. 633.30, F.S.; revising and providing
1422 definitions; amending s. 633.34, F.S.; revising
1423 requirements for qualification for employment as a
1424 firefighter; amending s. 633.35, F.S.; revising
1425 requirements for firefighter training and certification;
1426 amending s. 633.351, F.S.; revising provisions for
1427 disciplinary actions for firefighters; revising standards
1428 for revocation of firefighter certifications; amending s.
1429 633.352, F.S.; revising requirements for retention of
1430 firefighter certification; amending s. 633.382, F.S.;
1431 revising provisions regarding required supplemental
1432 compensation for firefighters; amending s. 633.524, F.S.;
1433 authorizing the State Fire Marshal to contract to provide
1434 certain examinations; amending s. 633.541, F.S.; expanding
1435 an exclusion from application of a prohibition against
1436 contracting without certification for certain homeowners;
1437 amending s. 633.72, F.S.; revising the membership terms of
1438 the Fire Code Advisory Council; amending s. 633.811, F.S.;
1439 expanding authority of the division to enforce provisions
1440 of law and rules applicable to employers; authorizing
1441 assessment of administrative fines; amending s. 633.821,
1442 F.S.; deleting certain obsolete provisions requiring
1443 counties, municipalities, and special districts to
1444 implement certain provisions of federal law; repealing s.
1445 1013.12(8), F.S., relating to annual reports; providing a
1446 contingent effective date.