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Proposed Committee Substitute by the Committee on Banking and Insurance

1                                   A bill to be entitled  
2           An act relating to fire prevention and control;  
3           amending ss. 218.23 and 447.203, F.S.; clarifying  
4           provisions to reflect changes made by the act;  
5           amending s. 553.895, F.S.; revising outdated  
6           publication references; amending s. 633.02, F.S.;  
7           providing the correct name for the State Fire Marshal;  
8           amending s. 633.021, F.S.; limiting the definition of  
9           "contractor IV" to contractors whose business relates  
10          to the servicing of certain occupancies; including and  
11          excluding certain components and equipment from the  
12          definition of the term "preengineered system";  
13          amending s. 633.0215, F.S.; providing guidelines  
14          according to which the Department of Financial  
15          Services must issue an expedited declaratory statement  
16          relating to interpretations of provisions of the  
17          Florida Fire Prevention Code; amending s. 633.025,  
18          F.S.; providing requirements for firesafety plans and  
19          inspections for manufactured buildings; amending s.  
20          633.026, F.S.; providing legislative intent; providing  
21          requirements for members of the Fire Code  
22          Interpretation Committee; requiring that each  
23          nonbinding interpretation of code applications be  
24          provided within a specified period after receipt;  
25          providing for waiver of such requirement under certain  
26          conditions; requiring that the department charge a fee  
27          for nonbinding interpretations; limiting the amount of



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28       such fee; providing for payments of such fees;  
29       requiring that the department adopt a form for a  
30       petition for nonbinding interpretation; providing  
31       requirements for such form; providing procedures for  
32       review of a petition; providing deadlines for the  
33       issuance of a nonbinding interpretation after receipt  
34       of a petition; providing procedures for the  
35       dissemination of such interpretations; amending s.  
36       633.03, F.S.; expanding application of authority of  
37       the State Fire Marshal to investigate fires to include  
38       explosions; amending s. 633.061, F.S.; providing  
39       requirements for the renewal of a license to install  
40       or maintain fire suppression equipment; deleting  
41       provisions relating to retaking the examination for  
42       licensure; providing requirements for an applicant who  
43       passes the examination but does not meet the remaining  
44       qualifications within a specified period; amending s.  
45       633.071, F.S.; authorizing the State Fire Marshal to  
46       adopt certain specifications by rule; amending s.  
47       633.081, F.S.; authorizing the State Fire Marshal to  
48       inspect buildings or structures for certain  
49       violations; providing exceptions to the types of  
50       inspections that must be conducted by certain  
51       firesafety inspectors; abolishing special state  
52       firesafety inspector classifications; providing for  
53       certification as a firesafety inspector; providing  
54       application and examination requirements; authorizing  
55       the State Fire Marshal to develop an advanced training  
56       and certification program for firesafety inspectors;



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57 requiring that the Division of State Fire Marshal  
58 enter into a reciprocity agreement with the Florida  
59 Building Code Administrators and Inspectors Board for  
60 purposes of continuing education recertification;  
61 amending s. 633.082, F.S.; providing for the  
62 inspection of certain alarm systems and fire hydrants;  
63 requiring that the owner of certain structures replace  
64 certain fire sprinkler heads; amending s. 633.085,  
65 F.S.; revising requirements for the State Fire Marshal  
66 to inspect state buildings; amending s. 633.121, F.S.;  
67 expanding the list of eligible persons authorized to  
68 enforce laws and rules of the State Fire Marshal;  
69 amending s. 633.13, F.S.; revising a provision  
70 relating to the authority of agents of the State Fire  
71 Marshal; amending s. 633.14, F.S.; revising powers  
72 regarding arrests, searches, and the carrying of  
73 firearms by State Fire Marshal agents; providing that  
74 it is unlawful to resist or interfere with an arrest  
75 by an agent of the State Fire Marshal; amending s.  
76 633.161, F.S.; expanding the list of violations for  
77 which the State Fire Marshal may issue certain  
78 enforcement orders; providing criminal penalties for  
79 failure to comply with such orders; amending s.  
80 633.171, F.S.; conforming a provision; amending s.  
81 633.175, F.S.; specifying additional powers granted to  
82 the State Fire Marshal; amending s. 633.18, F.S.;  
83 revising a provision relating to the conduct of  
84 inquiries or investigations by agents of the State  
85 Fire Marshal; amending s. 633.30, F.S.; revising and



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86 providing definitions; amending s. 633.34, F.S.;

87 revising requirements for qualification for employment

88 or training as a firefighter; amending s. 633.35,

89 F.S.; revising requirements for firefighter training

90 and certification; requiring that the division adopt

91 rules; amending s. 633.351, F.S.; revising provisions

92 governing disciplinary actions for firefighters;

93 revising standards for revocation of firefighter

94 certifications; amending s. 633.352, F.S.; revising

95 requirements for retention of firefighter

96 certification; amending s. 633.382, F.S.; expanding

97 the definition of the term "firefighter"; revising

98 provisions regarding required supplemental

99 compensation for firefighters; amending s. 633.521,

100 F.S.; providing requirements for an applicant who

101 passes the examination but does not meet the remaining

102 qualifications within a specified period; providing

103 prerequisites to taking an examination for certain

104 certifications; revising legislative intent; amending

105 s. 633.524, F.S.; authorizing the State Fire Marshal

106 to contract to provide certain examinations; amending

107 s. 633.537, F.S.; providing continuing education

108 requirements for certain certificateholders; amending

109 s. 633.541, F.S.; expanding an exclusion from

110 application of a prohibition against contracting

111 without certification for certain homeowners; amending

112 s. 633.72, F.S.; extending the maximum term of

113 membership on the Fire Code Advisory Council; amending

114 s. 633.811, F.S.; expanding the authority of the



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115 division to enforce provisions of law and rules  
116 applicable to employers; authorizing assessment of  
117 administrative fines and issuance of orders to cease  
118 and desist; amending s. 633.821, F.S.; deleting  
119 certain obsolete provisions requiring counties,  
120 municipalities, and special districts to implement  
121 certain provisions of federal law; providing effective  
122 dates.

123

124 Be It Enacted by the Legislature of the State of Florida:

125

126 Section 1. Paragraph (e) of subsection (1) of section  
127 218.23, Florida Statutes, is amended to read:

128 218.23 Revenue sharing with units of local government.—

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

132 (e) Certified that persons in its employ as career  
133 firefighters, as defined in s. 633.30(1), meet the qualification  
134 for employment as established by the Division of State Fire  
135 Marshal pursuant to the provisions of ss. 633.34 and 633.35 and  
136 that the provisions of s. 633.382 have been met.

137

138 Additionally, to receive its share of revenue sharing funds, a  
139 unit of local government shall certify to the Department of  
140 Revenue that the requirements of s. 200.065, if applicable, were  
141 met. The certification shall be made annually within 30 days of  
142 adoption of an ordinance or resolution establishing a final  
143 property tax levy or, if no property tax is levied, not later



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144 than November 1. The portion of revenue sharing funds which,  
145 pursuant to this part, would otherwise be distributed to a unit  
146 of local government which has not certified compliance or has  
147 otherwise failed to meet the requirements of s. 200.065 shall be  
148 deposited in the General Revenue Fund for the 12 months  
149 following a determination of noncompliance by the department.

150 Section 2. Paragraph (b) of subsection (4) of section  
151 447.203, Florida Statutes, is amended to read:

152 447.203 Definitions.—As used in this part:

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

154 (b) Serve as police chiefs, fire chiefs, or directors of  
155 public safety of any police, fire, or public safety department.  
156 Other police officers, as defined in s. 943.10(1), and career  
157 firefighters, as defined in s. 633.30(1), may be determined by  
158 the commission to be managerial employees of such departments.  
159 In making such determinations, the commission shall consider, in  
160 addition to the criteria established in paragraph (a), the  
161 paramilitary organizational structure of the department  
162 involved.

163  
164 However, in determining whether an individual is a managerial  
165 employee pursuant to either paragraph (a) or paragraph (b),  
166 above, the commission may consider historic relationships of the  
167 employee to the public employer and to coemployees.

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

170 553.895 Firesafety.—

171 (1) Any transient public lodging establishment, as defined  
172 in chapter 509 and used primarily for transient occupancy as



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173 defined in s. 83.43(10), or any timeshare unit of a timeshare  
174 plan as defined in chapters 718 and 721, which is of three  
175 stories or more and for which the construction contract has been  
176 let after September 30, 1983, with interior corridors which do  
177 not have direct access from the guest area to exterior means of  
178 egress and on buildings over 75 feet in height that have direct  
179 access from the guest area to exterior means of egress and for  
180 which the construction contract has been let after September 30,  
181 1983, shall be equipped with an automatic sprinkler system  
182 installed in compliance with the current edition of the  
183 applicable fire sprinkler standards adopted by the State Fire  
184 Marshal. ~~the provisions prescribed in the National Fire~~  
185 Protection Association publication NFPA No. 13 (1985),  
186 "Standards for the Installation of Sprinkler Systems." Each  
187 guest room and each timeshare unit shall be equipped with an  
188 approved listed single-station smoke detector meeting the  
189 minimum requirements of NFPA 72, "National Fire Alarm Code," the  
190 current edition adopted by the State Fire Marshal, 74 (1984)  
191 "Standards for the Installation, Maintenance and Use of  
192 Household Fire Warning Equipment," powered from the building  
193 electrical service, notwithstanding the number of stories in the  
194 structure, if the contract for construction is let after  
195 September 30, 1983. Single-station smoke detectors shall not be  
196 required when guest rooms or timeshare units contain smoke  
197 detectors connected to a central alarm system which also alarms  
198 locally.

199 Section 4. Section 633.02, Florida Statutes, is amended to  
200 read:

201 633.02 Agents; powers and duties; compensation.—The State



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202 Fire Marshal shall appoint such agents as may be necessary to  
203 carry out effectively the provisions of this chapter, who shall  
204 be reimbursed for travel expenses as provided in s. 112.061, in  
205 addition to their salary, when traveling or making  
206 investigations in the performance of their duties. Such agents  
207 shall be at all times under the direction and control of the  
208 State Fire Marshal, who shall fix their compensation, and all  
209 orders shall be issued in the State Fire Marshal's ~~fire~~  
210 ~~marshal's~~ name and by her or his authority.

211 Section 5. Paragraph (d) of subsection (5), subsection (9),  
212 and paragraph (e) of subsection (20) of section 633.021, Florida  
213 Statutes, are amended to read:

214 (5)

215 (d) "Contractor IV" means a contractor whose business is  
216 limited to the execution of contracts requiring the ability to  
217 lay out, fabricate, install, inspect, alter, repair, and service  
218 automatic fire sprinkler systems for occupancies protected  
219 within the scope of NFPA 13D, which provides standards for the  
220 installation of sprinkler systems in one-family and two-family  
221  dwellings and manufactured homes ~~detached one-family dwellings,~~  
222 ~~detached two-family dwellings, and mobile homes,~~ excluding  
223 preengineered systems and excluding single-family homes in  
224 cluster units, such as apartments, condominiums, and assisted  
225 living facilities or any building that is connected to other  
226 dwellings.

227 (9) A "fire protection system" is a system individually  
228 designed to protect the interior or exterior of a specific  
229 building ~~or buildings~~, structure, or other special hazard from  
230 fire. Such systems include, but are not limited to, water





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231 sprinkler systems, water spray systems, foam-water sprinkler  
232 systems, foam-water spray systems, CO2 systems, foam  
233 extinguishing systems, dry chemical systems, and Halon and other  
234 chemical systems used for fire protection use. Such systems also  
235 include any overhead and underground fire mains, fire hydrants  
236 and hydrant mains, standpipes and hoses connected to sprinkler  
237 systems, sprinkler tank heaters, air lines, thermal systems used  
238 in connection with fire sprinkler systems, and tanks and pumps  
239 connected to fire sprinkler systems.

240 (20) A "preengineered system" is a fire-suppression system  
241 which:

242 (e) Must be listed by a nationally recognized testing  
243 laboratory. Preengineered systems may incorporate special  
244 nozzles, flow rates, methods of application, pressurization  
245 levels, and quantities of agents designed by the manufacturer  
246 for specific hazards. Preengineered systems consist of  
247 components providing fire-suppression protection but do not  
248 include the ventilation or other equipment in which they are  
249 installed.

250 Section 6. Subsection (13) is added to section 633.0215,  
251 Florida Statutes, to read:

252 633.0215 Florida Fire Prevention Code.—

253 (13) The department shall issue an expedited declaratory  
254 statement relating to interpretations of provisions of the  
255 Florida Fire Prevention Code according to the following  
256 guidelines:

257 (a) The declaratory statement shall be rendered in  
258 accordance with s. 120.565, except that:

259 1. Receipt by the department of a petition need not be



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- 260 published in the Florida Administrative Weekly; and  
261 2. A final decision shall be issued by the department  
262 within 45 days after the department's receipt of a petition.  
263 (b) The petitioner must be the owner or representative of  
264 the owner of the disputed project.  
265 (c) The petition must be:  
266 1. Related to an active project that is under construction  
267 or have been submitted for permit;  
268 2. The subject of a written notice citing a specific  
269 provision of the Florida Fire Prevention Code which is in  
270 dispute; and  
271 3. Limited to a single question capable of being answered  
272 with a response of "yes" or "no."

273  
274 Any petition that does not meet all of the requirements of this  
275 subsection must be denied without prejudice.

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

278 633.025 Minimum firesafety standards.-

279 (11) (a) Except for one-family and two-family dwellings,  
280 which are exempt from plan review and inspection pursuant to  
281 subsection (9), the plans for the construction and inspections  
282 of manufactured buildings may be completed at the point of  
283 manufacture if:

284 1. The person reviewing the plans and inspecting the  
285 manufactured or prototype building is made by an individual  
286 currently certified as a firesafety inspector under s.  
287 633.081(2); and

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



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

291 (b) The local fire official shall recognize and approve  
292 such manufactured building, subject to local fire code  
293 amendments, approved performance testing of life safety systems,  
294 and site conditions. The cost of any additional work necessary  
295 to meet firesafety requirements, if any, shall be borne by the  
296 manufacturer. The department may adopt rules to administer this  
297 subsection.

298 Section 8. Section 633.026, Florida Statutes, is amended to  
299 read:

300 633.026 Informal interpretations of the Florida Fire  
301 Prevention Code.—It is the intent of the Legislature that the  
302 Florida Fire Prevention Code be interpreted by fire officials  
303 and local enforcement agencies in a manner that protects the  
304 public safety, health, and welfare by ensuring uniform  
305 interpretations of the Florida Fire Prevention Code throughout  
306 this state and by providing processes for resolving disputes  
307 regarding such interpretations which are just and expeditious.  
308 It is the intent of the Legislature that such processes provide  
309 for the expeditious resolution of the issues presented and that  
310 the resulting interpretation of such issues be published on the  
311 website of the Division of State Fire Marshal.

312 (1) The Division of State Fire Marshal shall by rule  
313 establish an informal process of rendering nonbinding  
314 interpretations of the Florida Fire Prevention Code. The  
315 Division of State Fire Marshal may contract with and refer  
316 interpretive issues to a nonprofit organization that has  
317 experience in interpreting and enforcing the Florida Fire



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318 Prevention Code. ~~The Division of State Fire Marshal shall~~  
319 ~~immediately implement the process prior to the completion of~~  
320 ~~formal rulemaking.~~ It is the intent of the Legislature that the  
321 Division of State Fire Marshal establish ~~create~~ a Fire Code  
322 Interpretation Committee composed of seven persons and seven  
323 alternates equally representing each area of the state ~~process~~  
324 ~~to refer questions to a small group of individuals certified~~  
325 ~~under s. 633.081(2),~~ to which a party can pose questions  
326 regarding the interpretation of code provisions of the Florida  
327 Fire Prevention Code.

328 (2) The designated seven members and seven alternates  
329 members of the Fire Code Interpretation Committee must be  
330 certified as a firesafety inspector pursuant under s. 633.081(2)  
331 and must have a minimum of 5 years of experience interpreting  
332 and enforcing provisions of the Florida Fire Prevention Code and  
333 Life Safety Codes. Each member must be approved by the division  
334 and deemed by the division to have met these requirements at  
335 least 30 days before participating in a review of a nonbinding  
336 interpretation. ~~It is the intent of the Legislature that the~~  
337 ~~process provide for the expeditious resolution of the issues~~  
338 ~~presented and publication of the resulting interpretation on the~~  
339 ~~website of the Division of State Fire Marshal. It is the intent~~  
340 ~~of the Legislature that this program be similar to the program~~  
341 ~~established by the Florida Building Commission in s.~~  
342 ~~553.775(3)(g).~~

343 (3) Each nonbinding interpretation of code applications  
344 shall be provided within 10 business days after receipt. The  
345 period set forth in this subsection may be waived only upon the  
346 written consent of both parties. Nonbinding ~~Such~~ interpretations



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347 shall be advisory only and nonbinding on the parties or the  
348 State Fire Marshal.

349 (4) In order to administer this section, the department  
350 shall charge ~~may adopt by rule and impose~~ a fee for nonbinding  
351 ~~interpretations, with payment made directly to the third party.~~  
352 The fee may not exceed \$150 for each request for a review or  
353 interpretation. The department may authorize payment of fees  
354 directly to the nonprofit organization selected pursuant to  
355 subsection (1).

356 (5) Any party to the interpretation in disagreement with  
357 the interpretation issued in accordance with this section may  
358 apply for a formal interpretation from the department as  
359 provided in s. 633.01(6).

360 (6) Upon written application by an owner, contractor, or  
361 fire official, the department shall issue or cause to be issued  
362 a nonbinding interpretation of the Florida Fire Prevention Code  
363 as prescribed in this section The department shall adopt a form  
364 for the petition, which shall be published on the State Fire  
365 Marshal's website. The form shall, at a minimum, require the  
366 following:

367 (a) The name and address of the local fire official  
368 including the agency address of the county, municipality, or  
369 special district.

370 (b) The name and agency address of the owner, contractor,  
371 and the owner's or contractor's representative, if any.

372 (c) A statement of the specific sections of the Florida  
373 Fire Prevention Code being interpreted by the local fire  
374 official.

375 (d) An explanation of how the petitioner's substantial



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376 interests are being affected by the local interpretation of the  
377 Florida Fire Prevention Code.

378 (e) A statement of the interpretation of the specific  
379 sections of the Florida Fire Prevention Code by the local fire  
380 official.

381 (f) A statement of the interpretation that the petitioner  
382 contends should be given to the specific sections of the Florida  
383 Fire Prevention Code and a statement supporting the petitioner's  
384 interpretation.

385 (7) Upon receipt of a petition meeting the requirements of  
386 paragraph (6), the department shall immediately provide copies  
387 of the petition to the Fire Code Interpretation Committee, and  
388 publish the petition and any response submitted by the local  
389 fire official on the State Fire Marshal's website.

390 (8) The panel shall conduct proceedings as necessary to  
391 resolve the issues and give due regard to the petition, the  
392 facts of the matter at issue, specific code sections cited, and  
393 any statutory implications affecting the Florida Fire Prevention  
394 Code. The panel shall issue an interpretation regarding the  
395 provisions of the Florida Fire Prevention Code within 10 days  
396 after the filing of a nonbinding petition. The panel shall  
397 render a determination based upon the Florida Fire Prevention  
398 Code or, if the code is ambiguous, the intent of the code. The  
399 panel's interpretation shall be provided to the owner,  
400 contractor, and fire official and shall include a notice that if  
401 the parties disagree with the interpretation, they may file for  
402 a formal interpretation by the department under s. 633.01(6).  
403 The panel's interpretation shall be provided to the department,  
404 and the department shall publish the interpretation on the State



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405 Fire Marshal's website and in Florida Administrative Weekly.

406 Section 9. Section 633.03, Florida Statutes, is amended to  
407 read:

408 633.03 Investigation of fire or explosion; reports.—The  
409 State Fire Marshal shall investigate the cause, origin, and  
410 circumstances of every fire or explosion occurring in this state  
411 wherein the State Fire Marshal deems an investigation is  
412 necessary and ~~property has been damaged or destroyed~~ where there  
413 is probable cause to believe that the fire or explosion was the  
414 result of carelessness or design. Report of all such  
415 investigations shall be made on approved forms to be furnished  
416 by the State Fire Marshal.

417 Section 10. Subsection (3) of section 633.061, Florida  
418 Statutes, is amended to read:

419 633.061 Fire suppression equipment; license to install or  
420 maintain.—

421 (3) (a) Such licenses and permits shall be issued by the  
422 State Fire Marshal for 2 years beginning January 1, 2000, and  
423 each 2-year period thereafter and expiring December 31 of the  
424 second year. All licenses or permits issued will expire on  
425 December 31 of each odd-numbered year. The failure to renew a  
426 license or permit by December 31 of the second year will cause  
427 the license or permit to become inoperative. The holder of an  
428 inoperative license or permit shall not engage in any activities  
429 for which a license or permit is required by this section. A  
430 license or permit which is inoperative because of the failure to  
431 renew it shall be restored upon payment of the applicable fee  
432 plus a penalty equal to the applicable fee, if the application  
433 for renewal is filed no later than the following March 31. If



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434 the application for restoration is not made before the March  
435 31st deadline, the fee for restoration shall be equal to the  
436 original application fee and the penalty provided for herein,  
437 and, in addition, the State Fire Marshal shall require  
438 reexamination of the applicant. The fee for a license or permit  
439 issued for 1 year or less shall be prorated at 50 percent of the  
440 applicable fee for a biennial license or permit. Following the  
441 initial licensure, each licensee or permittee shall successfully  
442 complete a course or courses of continuing education for fire  
443 equipment technicians of at least 16 ~~32~~ hours. A license or  
444 permit may not be renewed unless the licensee or permittee  
445 produces documentation of the completion of at least 16 hours of  
446 continuing education for fire equipment technicians during the  
447 biennial licensure period ~~within 4 years of initial issuance of~~  
448 ~~a license or permit and within each 4-year period thereafter or~~  
449 ~~no such license or permit shall be renewed.~~ A person who is both  
450 a licensee and a permittee shall be required to complete a total  
451 of 16 ~~32~~ hours of continuing education during each renewal ~~per~~  
452 ~~4-year~~ period. Each licensee shall ensure that all permittees in  
453 his or her employment meet their continuing education  
454 requirements. The State Fire Marshal shall adopt rules  
455 describing the continuing education requirements and shall have  
456 the authority upon reasonable belief, to audit a fire equipment  
457 dealer to determine compliance with continuing education  
458 requirements.

459 (b) The forms of such licenses and permits and applications  
460 therefor shall be prescribed by the State Fire Marshal; in  
461 addition to such other information and data as that officer  
462 determines is appropriate and required for such forms, there





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463 shall be included in such forms the following matters. Each such  
464 application shall be in such form as to provide that the data  
465 and other information set forth therein shall be sworn to by the  
466 applicant or, if a corporation, by an officer thereof. An  
467 application for a permit shall include the name of the licensee  
468 employing such permittee, and the permit issued in pursuance of  
469 such application shall also set forth the name of such licensee.  
470 A permit is valid solely for use by the holder thereof in his or  
471 her employment by the licensee named in the permit.

472 (c) A license of any class shall not be issued or renewed  
473 by the State Fire Marshal and a license of any class shall not  
474 remain operative unless:

475 1. The applicant has submitted to the State Fire Marshal  
476 evidence of registration as a Florida corporation or evidence of  
477 compliance with s. 865.09.

478 2. The State Fire Marshal or his or her designee has by  
479 inspection determined that the applicant possesses the equipment  
480 required for the class of license sought. The State Fire Marshal  
481 shall give an applicant a reasonable opportunity to correct any  
482 deficiencies discovered by inspection. A fee of \$50, payable to  
483 the State Fire Marshal, shall be required for any subsequent  
484 reinspection.

485 3. The applicant has submitted to the State Fire Marshal  
486 proof of insurance providing coverage for comprehensive general  
487 liability for bodily injury and property damage, products  
488 liability, completed operations, and contractual liability. The  
489 State Fire Marshal shall adopt rules providing for the amounts  
490 of such coverage, but such amounts shall not be less than  
491 \$300,000 for Class A or Class D licenses, \$200,000 for Class B



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492 licenses, and \$100,000 for Class C licenses; and the total  
493 coverage for any class of license held in conjunction with a  
494 Class D license shall not be less than \$300,000. The State Fire  
495 Marshal may, at any time after the issuance of a license or its  
496 renewal, require upon demand, and in no event more than 30 days  
497 after notice of such demand, the licensee to provide proof of  
498 insurance, on a form provided by the State Fire Marshal,  
499 containing confirmation of insurance coverage as required by  
500 this chapter. Failure, for any length of time, to provide proof  
501 of insurance coverage as required shall result in the immediate  
502 suspension of the license until proof of proper insurance is  
503 provided to the State Fire Marshal. An insurer which provides  
504 such coverage shall notify the State Fire Marshal of any change  
505 in coverage or of any termination, cancellation, or nonrenewal  
506 of any coverage.

507 4. The applicant applies to the State Fire Marshal and  
508 successfully completes a prescribed training course offered by  
509 the State Fire College or an equivalent course approved by the  
510 State Fire Marshal. This subparagraph does not apply to any  
511 holder of or applicant for a permit under paragraph (e) ~~(f)~~ or  
512 to a business organization or a governmental entity seeking  
513 initial licensure or renewal of an existing license solely for  
514 the purpose of inspecting, servicing, repairing, marking,  
515 recharging, and maintaining fire extinguishers used and located  
516 on the premises of and owned by such organization or entity.

517 5. The applicant has a current retestor identification  
518 number that is appropriate for the license for which the  
519 applicant is applying and that is listed with the United States  
520 Department of Transportation.



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521           6. The applicant has passed, with a grade of at least 70  
522 percent, a written examination testing his or her knowledge of  
523 the rules and statutes regulating the activities authorized by  
524 the license and demonstrating his or her knowledge and ability  
525 to perform those tasks in a competent, lawful, and safe manner.  
526 Such examination shall be developed and administered by the  
527 State Fire Marshal, or his or her designee in accordance with  
528 policies and procedures of the State Fire Marshal. An applicant  
529 shall pay a nonrefundable examination fee of \$50 for each  
530 examination or reexamination scheduled. No reexamination shall  
531 be scheduled sooner than 30 days after any administration of an  
532 examination to an applicant. No applicant shall be permitted to  
533 take an examination for any level of license more than a total  
534 of four times during 1 year, regardless of the number of  
535 applications submitted. As a prerequisite to licensure of the  
536 applicant:

- 537           a. Must be at least 18 years of age.
- 538           b. Must have 4 years of proven experience as a fire  
539 equipment permittee at a level equal to or greater than the  
540 level of license applied for or have a combination of education  
541 and experience determined to be equivalent thereto by the State  
542 Fire Marshal. Having held a permit at the appropriate level for  
543 the required period constitutes the required experience.
- 544           c. Must not have been convicted of, or pled nolo contendere  
545 to, any felony. If an applicant has been convicted of any such  
546 felony, the applicant must comply with s. 112.011(1)(b).

547

548 This subparagraph does not apply to any holder of or applicant  
549 for a permit under paragraph (e) ~~(f)~~ or to a business



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550 organization or a governmental entity seeking initial licensure  
551 or renewal of an existing license solely for the purpose of  
552 inspecting, servicing, repairing, marking, recharging,  
553 hydrotesting, and maintaining fire extinguishers used and  
554 located on the premises of and owned by such organization or  
555 entity.

556 ~~(d) An applicant who fails the examination may take it~~  
557 ~~three more times during the 1-year period after he or she~~  
558 ~~originally filed an application for the examination. If the~~  
559 ~~applicant fails the examination within 1 year after the~~  
560 ~~application date and seeks to retake the examination, he or she~~  
561 ~~must file a new application, pay the application and examination~~  
562 ~~fees, and successfully complete a prescribed training course~~  
563 ~~approved by the State Fire College or an equivalent course~~  
564 ~~approved by the State Fire Marshal. An applicant may not submit~~  
565 ~~a new application within 6 months after the date of his or her~~  
566 ~~last reexamination.~~

567 ~~(d)-(e)~~ A fire equipment dealer licensed under this section  
568 may apply to upgrade the license currently held, if the licensed  
569 dealer:

570 1. Submits an application for the license on a form in  
571 conformance with paragraph (b). The application must be  
572 accompanied by a fee as prescribed in subsection (1) for the  
573 type of license requested.

574 2. Provides evidence of 2 years' experience as a licensed  
575 dealer and meets such relevant educational requirements as are  
576 established by rule by the State Fire Marshal for purposes of  
577 upgrading a license.

578 3. Meets the requirements of paragraph (c).



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579        (e)~~(f)~~ No permit of any class shall be issued or renewed to  
580 a person by the State Fire Marshal, and no permit of any class  
581 shall remain operative, unless the person has:

582            1. Submitted a nonrefundable examination fee in the amount  
583 of \$50;

584            2. Successfully completed a training course offered by the  
585 State Fire College or an equivalent course approved by the State  
586 Fire Marshal; and

587            3. Passed, with a grade of at least 70 percent, a written  
588 examination testing his or her knowledge of the rules and  
589 statutes regulating the activities authorized by the permit and  
590 demonstrating his or her knowledge and ability to perform those  
591 tasks in a competent, lawful, and safe manner. Such examination  
592 shall be developed and administered by the State Fire Marshal in  
593 accordance with the policies and procedures of the State Fire  
594 Marshal. An examination fee shall be paid for each examination  
595 scheduled. No reexamination shall be scheduled sooner than 30  
596 days after any administration of an examination to an applicant.  
597 No applicant shall be permitted to take an examination for any  
598 level of permit more than four times during 1 year, regardless  
599 of the number of applications submitted. As a prerequisite to  
600 taking the permit examination, the applicant must be at least 16  
601 years of age.

602        (f)~~(g)~~ An applicant for a license or permit under this  
603 section who fails the examination may take it three more times  
604 during the 1-year period after he or she originally filed an  
605 application for the examination. If the applicant fails the  
606 examination within 1 year after the application date and he or  
607 she seeks to retake the examination, he or she must file a new



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608 application, pay the application and examination fees, and  
609 successfully complete a prescribed training course offered by  
610 the State Fire College or an equivalent course approved by the  
611 State Fire Marshal. The applicant may not submit a new  
612 application within 6 months after the date of his or her last  
613 reexamination. An applicant who passes the examination but does  
614 not meet the remaining qualifications as outlined by the  
615 statutes and rules within 1 year after the application date must  
616 file a new application, pay the application and examination fee,  
617 successfully complete a prescribed training course approved by  
618 the State Fire College or an equivalent course approved by the  
619 State Fire Marshal, and pass the written examination.

620 Section 11. Subsection (3) of section 633.071, Florida  
621 Statutes is amended to read:

622 (3) The State Fire Marshal shall adopt by rule  
623 specifications as to the method of attachment and placement,  
624 size, shape, color, information, and data contained thereon of  
625 inspection tags to be attached to all types of fire protection  
626 systems and information required on an inspection report of such  
627 an inspection.

628 Section 12. Section 633.081, Florida Statutes, is amended  
629 to read:

630 633.081 Inspection of buildings and equipment; orders;  
631 firesafety inspection training requirements; certification;  
632 disciplinary action.—The State Fire Marshal and her or his  
633 agents shall, at any reasonable hour, when the department has  
634 reasonable cause to believe that a violation of this chapter or  
635 s. 509.215, or a rule promulgated thereunder, or a minimum  
636 firesafety code adopted by the State Fire Marshal or a local



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637 authority, may exist, inspect any and all buildings and  
638 structures which are subject to the requirements of this chapter  
639 or s. 509.215 and rules promulgated thereunder. The authority to  
640 inspect shall extend to all equipment, vehicles, and chemicals  
641 which are located on or within the premises of any such building  
642 or structure.

643 (1) Each county, municipality, and special district that  
644 has firesafety enforcement responsibilities shall employ or  
645 contract with a firesafety inspector. The firesafety inspector  
646 must conduct all firesafety inspections that are required by  
647 law, except as provided in subsection (4) and s. 633.082(2)(b).  
648 The governing body of a county, municipality, or special  
649 district that has firesafety enforcement responsibilities may  
650 provide a schedule of fees to pay only the costs of inspections  
651 conducted pursuant to this subsection and related administrative  
652 expenses. Two or more counties, municipalities, or special  
653 districts that have firesafety enforcement responsibilities may  
654 jointly employ or contract with a firesafety inspector.

655 (2) Except as provided in subsection (4) and s.  
656 633.082(2)(b), every firesafety inspection conducted pursuant to  
657 state or local firesafety requirements shall be by a person  
658 certified as having met the inspection training requirements set  
659 by the State Fire Marshal. Such person shall:

660 (a) Be a high school graduate or the equivalent as  
661 determined by the department;

662 (b) Not have been found guilty of, or having pleaded guilty  
663 or nolo contendere to, a felony or a crime punishable by  
664 imprisonment of 1 year or more under the law of the United  
665 States, or of any state thereof, which involves moral turpitude,



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666 without regard to whether a judgment of conviction has been  
667 entered by the court having jurisdiction of such cases;

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

670 (d) Have good moral character as determined by the  
671 department;

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

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

675 (g)1. Have satisfactorily completed, as determined by the  
676 department, a firesafety inspector training program of not less  
677 than 200 hours established by the department and administered by  
678 agencies and institutions approved by the department for the  
679 purpose of providing basic certification training for firesafety  
680 inspectors; or

681 2. Have received in another state training which is  
682 determined by the department to be at least equivalent to that  
683 required by the department for approved firesafety inspector  
684 education and training programs in this state.

685 (3)(a)1. Effective July 1, 2011, the classification of  
686 special state firesafety inspector is abolished and all special  
687 state firesafety inspector certifications expire at midnight on  
688 June 30, 2011.

689 2. Any person who is a special state firesafety inspector  
690 on June 30, 2011, and who has failed to comply with paragraph  
691 (b) or paragraph (c) may not perform any firesafety inspection  
692 required by law.

693 3. A special state firesafety inspector certification may  
694 not be awarded after June 30, 2009.





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695       (b)1. Any person who is a special state firesafety  
696 inspector on July 1, 2009, and who has at least 5 years of  
697 experience as a special state firesafety inspector as of July 1,  
698 2009, may take the same firesafety inspection examination as  
699 provided in paragraph (2) (f) for firesafety inspectors before  
700 July 1, 2011, to be certified as a firesafety inspector as  
701 described in subsection (2).

702       2. Upon passing the examination, the person shall be  
703 certified as a firesafety inspector as provided in subsection  
704 (2).

705       3. Any person who fails to obtain certification under this  
706 paragraph must comply with paragraph (c) to be certified as a  
707 firesafety inspector as provided in subsection (2).

708       (c)1. A person seeking certification as a firesafety  
709 inspector under subsection (2) must take an additional 80 hours  
710 of the courses described in paragraph (2) (g) if he or she:

711       a. Is a special state firesafety inspector on July 1, 2009,  
712 and does not have 5 years of experience as a special state  
713 firesafety inspector as of July 1, 2009; or

714       b. Has 5 years of experience as a special state firesafety  
715 inspector but has failed the examination described in paragraph  
716 (2) (f).

717       2. A person who desires to take the examination after  
718 successfully completing the courses described in this paragraph  
719 must take the examination before July 1, 2011.

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

722       4. A person who fails the course of study or the  
723 examination described in this paragraph may not perform any



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724 firesafety inspection required by law on or after July 1, 2011.  
725 ~~Each special state firesafety inspection which is required by~~  
726 ~~law and is conducted by or on behalf of an agency of the state~~  
727 ~~must be performed by an individual who has met the provision of~~  
728 ~~subsection (2), except that the duration of the training program~~  
729 ~~shall not exceed 120 hours of specific training for the type of~~  
730 ~~property that such special state firesafety inspectors are~~  
731 ~~assigned to inspect.~~

732 (4) A firefighter certified pursuant to s. 633.35 may  
733 conduct firesafety inspections, under the supervision of a  
734 certified firesafety inspector, while on duty as a member of a  
735 fire department company conducting inservice firesafety  
736 inspections without being certified as a firesafety inspector,  
737 if such firefighter has satisfactorily completed an inservice  
738 fire department company inspector training program of at least  
739 24 hours' duration as provided by rule of the department.

740 (5) Every firesafety inspector ~~or special state firesafety~~  
741 ~~inspector~~ certificate is valid for a period of 3 years from the  
742 date of issuance. Renewal of certification shall be subject to  
743 the affected person's completing proper application for renewal  
744 and meeting all of the requirements for renewal as established  
745 under this chapter or by rule adopted ~~promulgated~~ thereunder,  
746 which shall include completion of at least 40 hours during the  
747 preceding 3-year period of continuing education as required by  
748 the rule of the department or, in lieu thereof, successful  
749 passage of an examination as established by the department.

750 (6) The State Fire Marshal may deny, refuse to renew,  
751 suspend, or revoke the certificate of a firesafety inspector ~~or~~  
752 ~~special state firesafety inspector~~ if it finds that any of the



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753 following grounds exist:

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

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

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

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

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

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

767 (g) Making or filing a report or record that the  
768 certificateholder knows to be false, or knowingly inducing  
769 another to file a false report or record, or knowingly failing  
770 to file a report or record required by state or local law, or  
771 knowingly impeding or obstructing such filing, or knowingly  
772 inducing another person to impede or obstruct such filing.

773 (h) Failing to properly enforce applicable fire codes or  
774 permit requirements within this state which the  
775 certificateholder knows are applicable by committing willful  
776 misconduct, gross negligence, gross misconduct, repeated  
777 negligence, or negligence resulting in a significant danger to  
778 life or property.

779 (i) Accepting labor, services, or materials at no charge or  
780 at a noncompetitive rate from any person who performs work that  
781 is under the enforcement authority of the certificateholder and



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782 who is not an immediate family member of the certificateholder.  
783 For the purpose of this paragraph, the term "immediate family  
784 member" means a spouse, child, parent, sibling, grandparent,  
785 aunt, uncle, or first cousin of the person or the person's  
786 spouse or any person who resides in the primary residence of the  
787 certificateholder.

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

790 (8) The State Fire Marshal may develop by rule an advanced  
791 training and certification program for firesafety inspectors  
792 having fire code management responsibility. Such program must be  
793 consistent with the appropriate provisions of NFPA 1037 or  
794 similar standards adopted by the division and establish minimum  
795 training, education, and experience levels for firesafety  
796 inspectors having fire code management responsibilities.

797 (9) The Division of State Fire Marshal and the Florida  
798 Building Code Administrators and Inspectors Board, established  
799 pursuant to s. 468.605, shall enter into a reciprocity agreement  
800 to facilitate joint recognition of continuing education  
801 recertification hours for certificateholders licensed in  
802 accordance with s. 468.609 and firesafety inspectors certified  
803 in accordance with subsection (2).

804 Section 13. Subsection (2) of section 633.082, Florida  
805 Statutes, is amended, and subsection (6) is added to that  
806 section, to read:

807 633.082 Inspection of fire control systems, fire hydrants,  
808 and fire protection systems.—

809 (2) Fire hydrants and fire protection systems installed in  
810 public and private properties, except one-family or two-family



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811 dwellings, in this state shall be inspected following procedures  
812 established in the nationally recognized inspection, testing,  
813 and maintenance standards NFPA-24 and NFPA-25 as set forth in  
814 the edition adopted by the State Fire Marshal.

815 (a) All alarm systems shall be serviced, tested, repaired,  
816 inspected, and improved in compliance with the provisions of the  
817 applicable standards of the National Fire Protection Association  
818 adopted by State Fire Marshal.

819 (b) Fire hydrants owned by public governmental entities  
820 shall be inspected in accordance with procedures established in  
821 the nationally recognized inspection, testing, and maintenance  
822 standards adopted by the State Fire Marshal. County, municipal,  
823 and special district utilities may comply with this section with  
824 designated employees notwithstanding the requirements of s.  
825 633.081. However, private contractors must be licensed under  
826 this chapter.

827 (c) All fire hydrants installed after the point of service  
828 and attached to a fire protection system must be inspected by a  
829 contractor licensed under this chapter, regardless of the  
830 hydrant's ownership. Quarterly, annual, 3-year, and 5-year  
831 inspections consistent with the contractual provisions with the  
832 owner shall be conducted by the certificateholder or permittees  
833 employed by the certificateholder pursuant to s. 633.521.

834 (6) The owner shall replace any fire sprinkler heads that  
835 have been identified by a governmental regulatory agency as  
836 recalled for a material defect in design or workmanship.

837 Section 14. Paragraph (a) of subsection (1) and subsections  
838 (2), (3), and (4) of section 633.085, Florida Statutes, are  
839 amended to read:



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840           633.085 Inspections of state buildings and premises; tests  
841 of firesafety equipment; building plans to be approved.—

842           (1) (a) It is the duty of the State Fire Marshal and her or  
843 his agents to inspect, or cause to be inspected, each state-  
844 owned building, which, for purposes of this section, includes  
845 each building located on land owned by the state and used  
846 primarily for state purposes as determined by the State Fire  
847 Marshal, on a recurring basis established by rule, and to ensure  
848 that high-hazard occupancies are inspected at least annually,  
849 for the purpose of ascertaining and causing to be corrected any  
850 conditions liable to cause fire or endanger life from fire and  
851 any violation of the firesafety standards for state-owned  
852 buildings, the provisions of this chapter, or the rules or  
853 regulations adopted and promulgated pursuant hereto. The State  
854 Fire Marshal shall, within 7 days following an inspection,  
855 submit a report of such inspection to the head of the department  
856 of state government responsible for the building.

857           (2) The State Fire Marshal and her or his agents may ~~shall~~  
858 conduct performance tests on any electronic fire warning and  
859 smoke detection system, and any pressurized air-handling unit,  
860 in any state-owned building or state-leased space on a recurring  
861 basis as provided in subsection (1). The State Fire Marshal and  
862 her or his agents shall also ensure that fire drills are  
863 conducted in all high-hazard state-owned buildings or high-  
864 hazard state-leased ~~high-hazard~~ occupancies at least annually.

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



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869 (a) For all new construction or renovation, alteration, or  
870 change of occupancy of state-leased space, compliance with the  
871 uniform firesafety standards shall be determined by reviewing  
872 the plans for the proposed construction or occupancy submitted  
873 by the lessor to the Division of State Fire Marshal for review  
874 and approval prior to commencement of construction or occupancy,  
875 which review shall be completed within 10 working days after  
876 receipt of the plans by the Division of State Fire Marshal.

877 (b) The plans for all construction of any new, or  
878 renovation or alteration of any existing, state-owned building  
879 are subject to the review and approval of the Division of State  
880 Fire Marshal for compliance with the uniform firesafety  
881 standards prior to commencement of construction or change of  
882 occupancy, which review shall be completed within 30 calendar  
883 days of receipt of the plans by the Division of State Fire  
884 Marshal.

885 (4) The Division of State Fire Marshal may inspect state-  
886 owned buildings and space and state-leased space as necessary  
887 before such buildings or spaces are occupied ~~prior to occupancy~~  
888 or during construction, renovation, or alteration to ascertain  
889 compliance with the uniform firesafety standards. Whenever the  
890 Division of State Fire Marshal determines by virtue of such  
891 inspection or by review of plans that construction, renovation,  
892 or alteration of state-owned buildings and state-leased space is  
893 not in compliance with the uniform firesafety standards, the  
894 Division of State Fire Marshal shall issue an order to cease  
895 construction, renovation, or alteration, or to preclude  
896 occupancy, of a building until compliance is obtained, except  
897 for those activities required to achieve such compliance.



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898 Section 15. Section 633.121, Florida Statutes, is amended  
899 to read:

900 633.121 Persons authorized to enforce laws and rules of  
901 State Fire Marshal.—The chiefs of county, municipal, and  
902 special-district fire departments; other fire department  
903 personnel designated by their respective chiefs; ~~and~~ personnel  
904 designated by local governments having no organized fire  
905 departments; and all law enforcement officers in the state duly  
906 certified under chapter 943 and acting upon the request of the  
907 State Fire Marshal or a chief of a county, municipal, or special  
908 district fire department may ~~are authorized to~~ enforce this  
909 chapter law and all rules adopted ~~prescribed~~ by the State Fire  
910 Marshal within their respective jurisdictions. Such personnel  
911 acting under the authority of this section shall be deemed to be  
912 agents of their respective jurisdictions, not agents of the  
913 State Fire Marshal.

914 Section 16. Section 633.13, Florida Statutes, is amended to  
915 read:

916 633.13 State Fire Marshal; authority of agents.—The  
917 authority given the State Fire Marshal under this chapter or any  
918 rule or order adopted by the State Fire Marshal law may be  
919 exercised by his or her agents, either individually or in  
920 conjunction with any other state or local official charged with  
921 similar responsibilities.

922 Section 17. Section 633.14, Florida Statutes, is amended to  
923 read:

924 633.14 Agents; powers to make arrests, conduct searches and  
925 seizures, serve summonses, and carry firearms.—

926 (1) Agents must be certified in compliance with s. 943.1395





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927 or meet the temporary employment or appointment exemption  
928 requirements of s. 943.131 until certified in order to execute  
929 the authority granted them by this section.

930 (2) It is unlawful for any person to resist an arrest by an  
931 agent of the State Fire Marshal authorized by this section or to  
932 interfere, by abetting or assisting such resistance or  
933 otherwise, with any agent of the Division of State Fire Marshal  
934 in the duties imposed upon such agent by law or department rule.  
935 ~~of the State Fire Marshal shall have the same authority to serve~~  
936 ~~summons, make arrests, carry firearms, and make searches and~~  
937 ~~seizures, as the sheriff or her or his deputies, in the~~  
938 ~~respective counties where such investigations, hearings, or~~  
939 ~~inspections may be held; and affidavits necessary to authorize~~  
940 ~~any such arrests, searches, or seizures may be made before any~~  
941 ~~trial court judge having authority under the law to issue~~  
942 ~~appropriate processes.~~

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

945 633.161 Violations; orders to cease and desist, correct  
946 hazardous conditions, preclude occupancy, or vacate;  
947 enforcement; penalties.-

948 (1) If it is determined by the department that a violation  
949 specified in this subsection exists, the State Fire Marshal or  
950 her or his agent ~~deputy~~ may issue and deliver to the person  
951 committing the violation an order to cease and desist from such  
952 violation, to correct any hazardous condition, to preclude  
953 occupancy of the affected building or structure, or to vacate  
954 the premises of the affected building or structure. Such  
955 violations consist of ~~are~~:



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956 (a) Except as set forth in paragraph (b), a violation of  
957 any provision of this chapter, of any rule adopted pursuant  
958 thereto, of any applicable uniform firesafety standard adopted  
959 pursuant to s. 633.022 which is not adequately addressed by any  
960 alternative requirements adopted on a local level, or of any  
961 minimum firesafety standard adopted pursuant to s. 394.879.

962 (b) A substantial violation of an applicable minimum  
963 firesafety standard adopted pursuant to s. 633.025 which is not  
964 reasonably addressed by any alternative requirement imposed at  
965 the local level, or an unreasonable interpretation of an  
966 applicable minimum firesafety standard, and which violation or  
967 interpretation clearly constitutes a danger to lifesafety.

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

971 (d) A building or structure which contains explosive matter  
972 or flammable liquids or gases constituting a danger to life,  
973 safety, or property.

974 (e) Any person or entity who acts as or offers to act as a  
975 fire department and is not designated as a fire department by a  
976 political subdivision of the state.

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

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

982 633.171 Penalty for violation of law, rule, or order to  
983 cease and desist or for failure to comply with corrective  
984 order.-



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

990 Section 20. Section 633.175, Florida Statutes, is amended  
991 to read:

992 633.175 Investigation of arson, fraudulent insurance  
993 claims, and crimes; immunity of insurance companies supplying  
994 information.-

995 (1) The State Fire Marshal or an agent appointed pursuant  
996 to s. 633.02, any law enforcement officer as defined in s.  
997 111.065, any law enforcement officer of a federal agency, or any  
998 fire department official who is engaged in the investigation of  
999 a fire loss or loss from an explosion may request any insurance  
1000 company or its agent, adjuster, employee, or attorney,  
1001 investigating a claim under an insurance policy or contract with  
1002 respect to a fire to release any information whatsoever in the  
1003 possession of the insurance company or its agent, adjuster,  
1004 employee, or attorney relative to a loss from that fire. The  
1005 insurance company shall release the available information to and  
1006 cooperate with any official authorized to request such  
1007 information pursuant to this section. The information shall  
1008 include, but shall not be limited to:

1009 (a) Any insurance policy relevant to a loss under  
1010 investigation and any application for such a policy.

1011 (b) Any policy premium payment records.

1012 (c) The records, reports, and all material pertaining to  
1013 any previous claims made by the insured with the reporting



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1014 company.

1015 (d) Material relating to the investigation of the loss,  
1016 including statements of any person, proof of loss, and other  
1017 relevant evidence.

1018 (e) Memoranda, notes, and correspondence relating to the  
1019 investigation of the loss in the possession of the insurance  
1020 company or its agents, adjusters, employees, or attorneys.

1021 (2) If an insurance company has reason to suspect that a  
1022 fire loss to its insured's real or personal property was caused  
1023 by incendiary means, the company shall notify the State Fire  
1024 Marshal and shall furnish her or him with all material acquired  
1025 by the company during the course of its investigation.

1026 (3) In the absence of fraud, bad faith, or malice, no  
1027 representative of an insurance company or of the National  
1028 Insurance Crime Bureau employed to adjust or investigate losses  
1029 caused by fire shall be liable for damages in a civil action for  
1030 furnishing information concerning fires suspected to be other  
1031 than accidental to investigators employed by other insurance  
1032 companies or the National Insurance Crime Bureau.

1033 (4) No insurance company or person who furnishes  
1034 information on its behalf shall be liable for damages in a civil  
1035 action or subject to criminal prosecution for any oral or  
1036 written statement made or any other action taken that is  
1037 necessary and required by the provisions of this section.

1038 (5) At such time as the release of the investigative  
1039 records is required by law, the official or agency in possession  
1040 of such records shall provide written notice to the insurance  
1041 company providing the information and to all parties, at least  
1042 10 days prior to releasing such records. Official, departmental,



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1043 or agency personnel may discuss such matters with other  
1044 official, departmental, or agency personnel, and any insurance  
1045 company complying with this section, and may share such  
1046 information, if such discussion is necessary to enable the  
1047 orderly and efficient conduct of the investigation. These  
1048 discussions are confidential and exempt from the provisions of  
1049 s. 286.011.

1050 (6) The actions of an insurance company or of its agents,  
1051 employees, adjusters, or attorneys, in complying with the  
1052 statutory obligation of this section shall in no way be  
1053 construed by a court as a waiver or abandonment of any privilege  
1054 or confidentiality of attorney work product, attorney-client  
1055 communication, or such other privilege or immunity as is  
1056 provided by law.

1057 (7) Any official described in subsection (1) may be  
1058 required to testify as to any information in her or his  
1059 possession regarding an insurance loss in any civil action in  
1060 which any person seeks recovery under a policy against an  
1061 insurance company for an insurance loss, subject to the  
1062 provisions of subsection (6).

1063 (8) No person may intentionally refuse to release any  
1064 information requested pursuant to this section.

1065 (9) Any person who willfully violates the provisions of  
1066 this section commits ~~is guilty of~~ a misdemeanor of the first  
1067 degree, punishable as provided in s. 775.082 or s. 775.083.

1068 Section 21. Section 633.18, Florida Statutes, is amended to  
1069 read:

1070 633.18 State Fire Marshal; hearings and investigations;  
1071 subpoena of witnesses; orders of circuit court.—Any agent



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1072 designated by the State Fire Marshal for such purposes, may hold  
1073 hearings, sign and issue subpoenas, administer oaths, examine  
1074 witnesses, receive evidence, and require by subpoena the  
1075 attendance and testimony of witnesses and the production of such  
1076 accounts, records, memoranda or other evidence, as may be  
1077 material for the determination of any complaint or conducting  
1078 any inquiry or investigation under chapter 552, chapter 554,  
1079 this chapter, or any rule or order of the State Fire Marshal  
1080 law. In case of disobedience to a subpoena, the State Fire  
1081 Marshal or his or her agent may invoke the aid of any court of  
1082 competent jurisdiction in requiring the attendance and testimony  
1083 of witnesses and the production of accounts, records, memoranda  
1084 or other evidence and any such court may in case of contumacy or  
1085 refusal to obey a subpoena issued to any person, issue an order  
1086 requiring the person to appear before the State Fire Marshal's  
1087 agent or produce accounts, records, memoranda or other evidence,  
1088 as so ordered, or to give evidence touching any matter pertinent  
1089 to any complaint or the subject of any inquiry or investigation,  
1090 and any failure to obey such order of the court shall be  
1091 punished by the court as a contempt thereof.

1092 Section 22. Section 633.30, Florida Statutes, is amended to  
1093 read:

1094 633.30 Standards for firefighting; definitions.—As used in  
1095 this chapter, the term:

1096 (1) "Career firefighter" means a person who is compensated  
1097 at an hourly or salaried rate and whose work hours are scheduled  
1098 in advance to maintain a schedule of coverage at a station,  
1099 facility, or area to function as described in subsection (8)

1100 ~~"Firefighter" means any person initially employed as a full-time~~



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1101 ~~professional firefighter by any employing agency, as defined~~  
1102 ~~herein, whose primary responsibility is the prevention and~~  
1103 ~~extinguishment of fires, the protection and saving of life and~~  
1104 ~~property, and the enforcement of municipal, county, and state~~  
1105 ~~fire prevention codes, as well as of any law pertaining to the~~  
1106 ~~prevention and control of fires.~~

1107       (2) "Council" means the Firefighters Employment, Standards,  
1108 and Training Council ~~"Employing agency" means any municipality~~  
1109 ~~or county, the state, or any political subdivision of the state,~~  
1110 ~~including authorities and special districts, employing~~  
1111 ~~firefighters as defined in subsection (1).~~

1112       (3) "Department" means the Department of Financial  
1113 Services.

1114       (4) "Division" means the Division of State Fire Marshal of  
1115 the Department of Financial Services ~~"Council" means the~~  
1116 ~~Firefighters Employment, Standards, and Training Council.~~

1117       (5) "Employing agency" means any municipality or county,  
1118 the state, or any political subdivision of the state, including  
1119 authorities, special districts, or any private entity under  
1120 contract with such entities ~~"Division" means the Division of~~  
1121 ~~State Fire Marshal of the Department of Financial Services.~~

1122       (6) "Fire department" means an organization designated by a  
1123 state political subdivision, such as a county, municipality, or  
1124 special fire control district, to provide emergency response for  
1125 the protection of life and property within a specified  
1126 geographical area.

1127       (7) "Fire service apprentice" means any high school student  
1128 who completes a high school course of instruction and an  
1129 examination approved by the division which includes specified



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1130 components of firefighter I and II certification in accordance  
1131 with the division's rules. Before the age of 18, a fire service  
1132 apprentice may function as a fireground resource technician with  
1133 a recognized fire department. Upon reaching the age of 18 and  
1134 graduating from high school, the fire service apprentice may  
1135 complete the outstanding components of firefighter I and II  
1136 certification training and become certified at level II in  
1137 accordance with the division's rules.

1138 (8) "Firefighter" means any person whose responsibility is  
1139 the emergency response to fires and other emergencies, the  
1140 prevention and extinguishment of fires, the protection and  
1141 saving of life and property, and the enforcement of municipal,  
1142 county, and state fire prevention codes, as well as of any law  
1143 pertaining to the prevention and control of fires.

1144 (9) "Firefighter I" means a person who has successfully  
1145 completed the firefighter I training program and is certified at  
1146 level I in accordance with the division's rules. Firefighter I  
1147 is the minimum level of certification to function as a volunteer  
1148 firefighter.

1149 (10) "Firefighter II" means a person who has successfully  
1150 completed the firefighter II training program and is certified  
1151 at level II in accordance with the division's rules. Firefighter  
1152 II is the minimum level of certification to function as a career  
1153 firefighter as set forth in subsection (1). For purposes of this  
1154 chapter, a certificate of compliance at level II replaces the  
1155 previous certificate of compliance required to be a full-time  
1156 professional firefighter. Firefighters currently certified  
1157 pursuant to a certificate of compliance are deemed to be in  
1158 compliance with the requirements of this chapter and need not





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1159 become certified as a firefighter II.

1160 (11) "Fireground resource technician" means a volunteer  
1161 exterior firefighter or support person who is not qualified by  
1162 certification to be an interior firefighter but who has  
1163 completed a course of instruction in accordance with the  
1164 division's rules. Fireground resource technician is the minimum  
1165 level of certification to function on the fireground in  
1166 accordance with division rules.

1167 Section 23. Section 633.34, Florida Statutes, is amended to  
1168 read:

1169 633.34 Firefighters; qualifications for employment.-

1170 (1) Any person applying for employment or training as a  
1171 firefighter must:

1172 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the  
1173 term may be determined by the division, and at least 18 years of  
1174 age.

1175 (b) ~~(2)~~ Not have been found guilty of, or pled guilty or  
1176 nolo contendere to, any felony or crime involving moral  
1177 turpitude and punishable by imprisonment of 1 year or more under  
1178 federal law, the law of any state, or the law of any other  
1179 country, without regard to whether a judgment of conviction was  
1180 entered or adjudication was withheld by the court having  
1181 jurisdiction over such matter. Neither have been convicted of a  
1182 felony or of a misdemeanor directly related to the position of  
1183 employment sought, nor have pled nolo contendere to any charge  
1184 of a felony. If an applicant has been convicted of a felony,  
1185 such applicant must be in compliance with s. 112.011(2)(b). If  
1186 an applicant has been convicted of a misdemeanor directly  
1187 related to the position of employment sought, such applicant



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1188 ~~shall be excluded from employment for a period of 4 years after~~  
1189 ~~expiration of sentence. If the sentence is suspended or~~  
1190 ~~adjudication is withheld in a felony charge or in a misdemeanor~~  
1191 ~~directly related to the position or employment sought and a~~  
1192 ~~period of probation is imposed, the applicant must have been~~  
1193 ~~released from probation.~~

1194 (c) (3) Pay for and submit fingerprints as directed by the  
1195 division ~~Submit a fingerprint card to the division with a~~  
1196 ~~current processing fee. The fingerprints shall fingerprint card~~  
1197 ~~will be forwarded to the Department of Law Enforcement and~~  
1198 ~~and/or the Federal Bureau of Investigation for analysis pursuant~~  
1199 ~~to s. 624.34.~~

1200 ~~(4) Have a good moral character as determined by~~  
1201 ~~investigation under procedure established by the division.~~

1202 (d) (5) Be in good physical condition as determined by a  
1203 medical examination conducted in accordance with the medical  
1204 requirements for training and certification as set forth by rule  
1205 of the department, and given by a physician, surgeon, or  
1206 physician assistant licensed to practice in the state pursuant  
1207 to chapter 458; an osteopathic physician, surgeon, or physician  
1208 assistant licensed to practice in the state pursuant to chapter  
1209 459; or an advanced registered nurse practitioner licensed to  
1210 practice in the state pursuant to chapter 464. Such examination  
1211 may include, but need not be limited to, provisions of the  
1212 National Fire Protection Association Standard 1582. Results of  
1213 such A medical examination evidencing good physical condition  
1214 shall be submitted to the division, on a form as provided by  
1215 rule, before an individual is eligible for admission into a  
1216 firefighter training program as defined in s. 633.35.



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1217        (e) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at  
1218 least 1 year immediately preceding application for employment or  
1219 commencement of training for certification as a career  
1220 firefighter, as evidenced by the sworn affidavit of the  
1221 applicant. A career firefighter certified after December 31,  
1222 2009, must, as a condition of employment, be nonuser of tobacco  
1223 or tobacco products.

1224        (2) A person who does not hold a fire service apprentice,  
1225 fireground resource technician, firefighter I, or firefighter II  
1226 certificate may not respond or engage in hazardous operations,  
1227 including, but not limited to, interior structural firefighting,  
1228 hazardous-materials-incident mitigation, and incident command,  
1229 requiring the knowledge and skills taught in the training  
1230 programs established in s. 633.35, regardless of volunteer or  
1231 employment status.

1232        Section 24. Section 633.35, Florida Statutes, is amended to  
1233 read:

1234        633.35 Firefighter training and certification.—

1235        (1) The division shall adopt rules to establish a  
1236 firefighter training programs for certification as a fireground  
1237 resource technician, a fire service apprentice, a firefighter I,  
1238 and a firefighter II, to be program of not less than 360 hours,  
1239 administered by such agencies and institutions as approved by  
1240 the division in accordance with division rules ~~it approves~~ for  
1241 the purpose of providing ~~basic employment~~ training for  
1242 firefighters. Nothing herein shall require a public employer to  
1243 pay the cost of such training.

1244        (2) The division shall issue certificates ~~a certificate~~ of  
1245 compliance for certification as a fireground resource



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1246 technician, a fire service apprentice, a firefighter I, and a  
1247 firefighter II to any person who has satisfactorily completed  
1248 ~~complying with the training programs program~~ established in  
1249 subsection (1), who has successfully passed an examination as  
1250 prescribed by the division, and who possesses the qualifications  
1251 specified for employment in s. 633.34, except s. 633.34(5). A ~~No~~  
1252 person may not be employed as a career regular or permanent  
1253 firefighter by an employing agency, or by a private entity under  
1254 contract with the state or any political subdivision of the  
1255 state, including authorities and special districts, unless  
1256 certified as a firefighter II, except for an individual hired to  
1257 be trained and become certified as a firefighter II. A person  
1258 hired to be trained and become certified as a firefighter II has  
1259 a maximum of for a period of time in excess of 1 year following  
1260 ~~from~~ the date of initial employment to obtain the firefighter II  
1261 ~~until he or she has obtained such~~ certificate of compliance. A  
1262 person who does not hold a firefighter II certificate of  
1263 compliance and is employed under this section may not directly  
1264 engage in hazardous operations, such as interior structural  
1265 firefighting or and hazardous-materials-incident mitigation,  
1266 requiring the knowledge and skills taught in a training program  
1267 established in subsection (1). However, a person who is  
1268 certified and has been employed by ~~served as a volunteer~~  
1269 ~~firefighter with~~ the state or any political subdivision of the  
1270 state, including authorities and special districts, who is then  
1271 employed as a career regular or permanent firefighter may  
1272 function, during this period, in the same capacity in which he  
1273 or she acted before being employed as a career firefighter as a  
1274 ~~volunteer firefighter, provided that he or she has completed all~~



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1275 ~~training required by the volunteer organization.~~

1276 (3) The division may issue a certificate of compliance at  
1277 the firefighter I or firefighter II level to any person who has  
1278 received basic employment training for firefighters in another  
1279 state when the division has determined that such training was at  
1280 least equivalent to that required by the division for approved  
1281 firefighter education and training programs in this state and  
1282 when such person has satisfactorily complied with all other  
1283 requirements of this section. The division may also issue a  
1284 special certificate to a person who is otherwise qualified under  
1285 this section and who is employed as the administrative and  
1286 command head of a fire/rescue/emergency services organization,  
1287 based on the acknowledgment that such person is less likely to  
1288 need physical dexterity and more likely to need advanced  
1289 knowledge of firefighting and supervisory skills. The  
1290 certificate is valid only while the person is serving in a  
1291 position as an administrative and command head of a  
1292 fire/rescue/emergency services organization and must be obtained  
1293 before employment in such capacity.

1294 (4) An applicant ~~A person~~ who fails an examination given  
1295 under this section may retake the examination once within 6  
1296 months after the original examination date. An applicant who  
1297 does not pass ~~retake~~ the examination within such time must  
1298 repeat or take the applicable training program ~~Minimum Standards~~  
1299 ~~Course~~, pursuant to subsection (1), before being reexamined. The  
1300 division may establish reasonable preregistration deadlines for  
1301 such reexaminations.

1302 (5) Pursuant to s. 590.02(1)(e), the division shall  
1303 establish a structural fire training program of not less than 40



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1304 hours. The division shall issue to any person satisfactorily  
1305 complying with this training program and who has successfully  
1306 passed an examination as prescribed by the division and who has  
1307 met the requirements of s. 590.02(1)(e) a Certificate of  
1308 Forestry Firefighter.

1309 (6) A certified forestry firefighter is entitled to the  
1310 same rights, privileges, and benefits provided for by law as a  
1311 career certified firefighter.

1312 Section 25. Section 633.351, Florida Statutes, is amended  
1313 to read:

1314 633.351 Disciplinary action; firefighters; standards for  
1315 revocation of certification.—

1316 (1) The certification of a firefighter shall be revoked by  
1317 the division if evidence is found that the certification was  
1318 improperly issued by the division or if evidence is found that  
1319 the certification was issued on the basis of false, incorrect,  
1320 incomplete, or misleading information. Misrepresentation or  
1321 falsification of division-issued certifications or the  
1322 requirements for certification by or on behalf of an individual  
1323 to any employing agency or division shall result in the  
1324 revocation of all certifications held by that individual.

1325 (2) The certification of a firefighter shall be revoked by  
1326 the division if the firefighter is adjudicated guilty of, or  
1327 pleads guilty or nolo contendere to, any felony or crime  
1328 involving moral turpitude and punishable by imprisonment of 1  
1329 year or more under federal law, the law of any state, or the law  
1330 of any other country, without regard to whether a judgment of  
1331 conviction is entered or adjudication withheld by the court  
1332 having jurisdiction over such matter. ~~who is convicted of a~~



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1333 ~~felony, or who is convicted of a misdemeanor relating to~~  
1334 ~~misleading or false statements, or who pleads nolo contendere to~~  
1335 ~~any charge of a felony shall be revoked until the firefighter~~  
1336 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~  
1337 ~~felony or such misdemeanor charge is suspended or adjudication~~  
1338 ~~is withheld, the firefighter's certification shall be revoked~~  
1339 ~~until she or he completes any probation.~~

1340 Section 26. Section 633.352, Florida Statutes, is amended  
1341 to read:

1342 633.352 Retention of firefighter certification.-

1343 (1) Any certified firefighter who has not been active as a  
1344 firefighter, or as a volunteer firefighter with an organized  
1345 fire department, for a period of 3 years shall be required to  
1346 retake and pass the written and practical portions ~~portion~~  
1347 of the minimum standards state examination specified in division  
1348 rules rule 4A-37.056(6)(b), Florida Administrative Code, in  
1349 order to maintain her or his certification as a firefighter. ~~;~~  
1350 ~~however,~~

1351 (2) This requirement does not apply to state-certified  
1352 firefighters who are certified and employed or under contract as  
1353 full-time firesafety inspectors for an entity listed in s.  
1354 633.081(1) or to instructors regardless of their employment  
1355 status instructors, as determined by the division.

1356 (3) The 3-year period begins on the date the firefighter I  
1357 or firefighter II certificate of compliance is issued, or upon  
1358 termination of service with an organized fire department, or  
1359 upon expiration of instructor certification.

1360 Section 27. Paragraph (b) of subsection (1) and paragraph  
1361 (a) of subsection (2) of section 633.382, Florida Statutes, are



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1362 amended to read:

1363 633.382 Firefighters; supplemental compensation.—

1364 (1) DEFINITIONS.—As used in this section, the term:

1365 (b) "Firefighter" means any person who meets the definition  
1366 ~~of the term "firefighter" in s. 633.30(1) or (10) and who is~~  
1367 ~~certified in compliance with s. 633.35 and~~ who is employed  
1368 solely within the fire department of the employing agency or is  
1369 employed by the division.

1370 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—

1371 (a) In addition to the compensation now paid by an  
1372 employing agency to a any firefighter II, every career  
1373 firefighter shall be paid supplemental compensation by the  
1374 employing agency when such firefighter has complied with one of  
1375 the following criteria:

1376 1. Any firefighter II who receives an associate degree from  
1377 an accredited a college, which degree is applicable to fire  
1378 department duties, as outlined in policy guidelines of the  
1379 division, shall be additionally compensated as outlined in  
1380 paragraph (3) (a).

1381 2. Any firefighter II, regardless of whether or not she or  
1382 he earned an associate degree earlier, who receives from an  
1383 accredited college or university a bachelor's degree, which  
1384 bachelor's degree is applicable to fire department duties, as  
1385 outlined in policy guidelines of the division, shall receive  
1386 compensation as outlined in paragraph (3) (b).

1387 Section 28. Paragraph (e) of subsection (2) and subsections  
1388 (3), (10), and (11) of section 633.521, Florida Statutes, are  
1389 amended to read:

1390 633.521 Certificate application and issuance; permit





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1391 issuance; examination and investigation of applicant.-

1392 (2)

1393 (e) An applicant may not be examined more than four times  
1394 during 1 year for certification as a contractor pursuant to this  
1395 section unless the person is or has been certified and is taking  
1396 the examination to change classifications. If an applicant does  
1397 not pass one or more parts of the examination, she or he may  
1398 take any part of the examination three more times during the 1-  
1399 year period beginning upon the date she or he originally filed  
1400 an application to take the examination. If the applicant does  
1401 not pass the examination within that 1-year period, she or he  
1402 must file a new application and pay the application and  
1403 examination fees in order to take the examination or a part of  
1404 the examination again. However, the applicant may not file a new  
1405 application sooner than 6 months after the date of her or his  
1406 last examination. An applicant who passes the examination but  
1407 does not meet the remaining qualifications as provided in  
1408 applicable statutes and rules within 1 year after the  
1409 application date must file a new application, pay the  
1410 application and examination fee, successfully complete a  
1411 prescribed training course approved by the State Fire College or  
1412 an equivalent course approved by the State Fire Marshal, and  
1413 retake and pass the written examination.

1414 (3) (a) As a prerequisite to taking the examination for  
1415 certification as a contractor I, ~~Contractor II, or Contractor~~  
1416 ~~III~~, the applicant must be at least 18 years of age, be of good  
1417 moral character, and shall possess 4 years' proven experience in  
1418 the employment of a fire protection system contractor I,  
1419 ~~Contractor II, or Contractor III~~ or a combination of equivalent



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1420 education and experience in both water-based and chemical fire  
1421 suppression systems.

1422 (b) As a prerequisite to taking the examination for  
1423 certification as a contractor II, the applicant must be at least  
1424 18 years of age, be of good moral character, and have 4 years of  
1425 verifiable employment experience with a fire protection system  
1426 as a contractor I or contractor II, or a combination of  
1427 equivalent education and experience in water-based fire  
1428 suppression systems.

1429 (c) Required education and experience for certification as  
1430 a contractor I, contractor II, contractor III, or contractor IV  
1431 includes training and experience in both installation and system  
1432 layout as defined in s. 633.021.

1433 (d) As a prerequisite to taking the examination for  
1434 certification as a contractor III, the applicant must be at  
1435 least 18 years of age, be of good moral character, and have 4  
1436 years of verifiable employment experience with a fire protection  
1437 system as a contractor I or contractor II, or a combination of  
1438 equivalent education and experience in chemical fire suppression  
1439 systems.

1440 (e) As a prerequisite to taking the examination for  
1441 certification as a Contractor IV, the applicant shall be at  
1442 least 18 years old, be of good moral character, and have at  
1443 least 2 years of verifiable employment as ~~years' proven~~  
1444 ~~experience in the employment of a fire protection system~~  
1445 Contractor I, Contractor II, ~~Contractor III,~~ or Contractor IV,  
1446 or combination of equivalent education and experience ~~which~~  
1447 ~~combination need not include experience in the employment of a~~  
1448 ~~fire protection system contractor.~~



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1449       (f) Upon successful completion of a training program  
1450 acceptable to the State Fire Marshal of not less than 40 contact  
1451 hours regarding the applicable installation standard used by the  
1452 contractor IV as described in NFPA 13D, a certified plumber  
1453 contractor meets the requirements for equivalent education and  
1454 experience. The State Fire Marshal may establish rules to  
1455 administer this subsection.

1456       (g) As a prerequisite to taking the examination for  
1457 certification as a Contractor V, the applicant, including any  
1458 applicant certified as a general contractor under chapter 489,  
1459 must shall be at least 18 years old, be of good moral character,  
1460 and have been licensed as a certified underground utility and  
1461 excavation contractor or plumbing contractor pursuant to chapter  
1462 489, have verification by an individual who is licensed as a  
1463 certified utility contractor or plumbing contractor pursuant to  
1464 chapter 489 that the applicant has 4 years' proven experience in  
1465 the employ of a certified underground utility and excavation  
1466 contractor or plumbing contractor, or have a combination of  
1467 education and experience equivalent to 4 years' proven  
1468 experience in the employ of a certified underground utility and  
1469 excavation contractor or plumbing contractor.

1470       (h) Within 30 days after the date of the examination, the  
1471 State Fire Marshal shall inform the applicant in writing whether  
1472 she or he has qualified or not and, if the applicant has  
1473 qualified, that she or he is ready to issue a certificate of  
1474 competency, subject to compliance with the requirements of  
1475 subsection (4).

1476       (10) Effective July 1, 2008, the State Fire Marshal shall  
1477 require the National Institute of Certification in Engineering



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1478 Technologies (NICET), Sub-field of Inspection and Testing of  
1479 Fire Protection Systems Level II or equivalent training and  
1480 education as determined by the division as proof that the  
1481 permitholders are knowledgeable about nationally accepted  
1482 standards for the inspection of fire protection systems. ~~It is~~  
1483 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
1484 ~~to accept continuing education of all certificateholders'~~  
1485 ~~employees who perform inspection functions which specifically~~  
1486 ~~prepares the permitholder to qualify for NICET II certification.~~

1487 (11) It is intended that a certificateholder, or a  
1488 permitholder who is employed by a certificateholder, conduct  
1489 inspections required by this chapter. It is understood that  
1490 after July 1, 2008, employee turnover may result in a depletion  
1491 of personnel who are certified under the NICET Sub-field of  
1492 Inspection and Testing of Fire Protection Systems Level II or  
1493 equivalent training and education as determined by the division  
1494 ~~which is required for permitholders. The extensive training and~~  
1495 ~~experience necessary to achieve NICET Level II certification is~~  
1496 ~~recognized.~~ A certificateholder may therefore obtain a  
1497 provisional permit with an endorsement for inspection, testing,  
1498 and maintenance of water-based fire extinguishing systems for an  
1499 employee if the employee has initiated procedures for obtaining  
1500 Level II certification from the National Institute for  
1501 Certification in Engineering Technologies Sub-field of  
1502 Inspection and Testing of Fire Protection Systems and achieved  
1503 Level I certification or an equivalent level as determined by  
1504 the State Fire Marshal through verification of experience,  
1505 training, and examination. The State Fire Marshal may establish  
1506 rules to administer this subsection. After 2 years of



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1507 provisional certification, the employee must have achieved NICET  
1508 Level II certification, or obtain equivalent training and  
1509 education as determined by the division, or cease performing  
1510 inspections requiring Level II certification. The provisional  
1511 permit is valid only for the 2 calendar years after the date of  
1512 issuance, may not be extended, and is not renewable. After the  
1513 initial 2-year provisional permit expires, the certificateholder  
1514 must wait 2 additional years before a new provisional permit may  
1515 be issued. The intent is to prohibit the certificateholder from  
1516 using employees who never reach NICET Level II status, or  
1517 equivalent training and education as determined by the division,  
1518 by continuously obtaining provisional permits.

1519 Section 29. Subsection (3) is added to section 633.524,  
1520 Florida Statutes, to read:

1521 633.524 Certificate and permit fees; use and deposit of  
1522 collected funds.—

1523 (3) The State Fire Marshal may enter into a contract with  
1524 any qualified public entity or private company in accordance  
1525 with chapter 287 to provide examinations for any applicant for  
1526 any examination administered under the jurisdiction of the State  
1527 Fire Marshal.

1528 Section 30. Subsection (4) of section 633.537, Florida  
1529 Statutes, is amended to read:

1530 633.537 Certificate; expiration; renewal; inactive  
1531 certificate; continuing education.—

1532 (4) The renewal period for the permit class is the same as  
1533 that for the employing certificateholder. The continuing  
1534 education requirements for permitholders are what is required to  
1535 maintain NICET Sub-field of Inspection and Testing of Fire



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1536 Protection Systems Level II, equivalent training and education  
1537 as determined by the division, or higher certification plus 8  
1538 contact hours of continuing education approved by the State Fire  
1539 Marshal during each biennial renewal period thereafter. ~~The~~  
1540 ~~continuing education curriculum from July 1, 2005, until July 1,~~  
1541 ~~2008, shall be the preparatory curriculum for NICET II~~  
1542 ~~certification; after July 1, 2008, the technical curriculum is~~  
1543 ~~at the discretion of the State Fire Marshal and may be used to~~  
1544 ~~meet the maintenance of NICET Level II certification and 8~~  
1545 ~~contact hours of continuing education requirements. It is the~~  
1546 responsibility of the permit holder to maintain NICET II  
1547 certification or equivalent training and education as determined  
1548 by the division as a condition of permit renewal after July 1,  
1549 2008.

1550 Section 31. Subsections (1) and (4) of section 633.541,  
1551 Florida Statutes, are amended to read:

1552 633.541 Contracting without certificate prohibited;  
1553 violations; penalty.—

1554 (1) It is unlawful for any organization or individual to  
1555 engage in the business of, or the layout, fabrication,  
1556 installation, inspection, alteration, repair, or service of, a  
1557 fire protection system, other than a preengineered system, act  
1558 in the capacity of a fire protection contractor, or advertise  
1559 itself as being a fire protection contractor without having been  
1560 duly certified and holding a valid and existing certificate,  
1561 except as hereinafter provided. The holder of a certificate used  
1562 to qualify an organization must be a full-time employee of the  
1563 qualified organization or business. A certificateholder who is  
1564 employed by more than one fire protection contractor during the



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1565 same period of time is deemed not to be a full-time employee of  
1566 either contractor. The State Fire Marshal shall revoke, for a  
1567 period of time determined by the State Fire Marshal, the  
1568 certificate of a certificateholder who allows the use of the  
1569 certificate to qualify a company of which the certificateholder  
1570 is not a full-time employee. A contractor who maintains more  
1571 than one place of business must employ a certificateholder at  
1572 each location. ~~Nothing in~~ This subsection does not prohibit  
1573 ~~prohibits~~ an employee acting on behalf of governmental entities  
1574 from inspecting and enforcing firesafety codes, provided such  
1575 employee is certified under s. 633.081. Additionally, this  
1576 subsection does not prohibit an owner of a one-family or two-  
1577 family dwelling from inspecting or maintaining the fire  
1578 protection system for his or her own house.

1579 (4) In addition to the penalties provided in subsection  
1580 (3), a fire protection contractor certified under this chapter  
1581 who violates any provision of this chapter ~~section~~ or who  
1582 commits any act constituting cause for disciplinary action is  
1583 subject to suspension or revocation of the certificate and  
1584 administrative fines pursuant to s. 633.547.

1585 Section 32. Subsection (4) of section 633.72, Florida  
1586 Statutes, is amended to read:

1587 633.72 Florida Fire Code Advisory Council.—

1588 (4) Each appointee shall serve a 4-year term. No member  
1589 shall serve more than two consecutive terms ~~one term~~. No member  
1590 of the council shall be paid a salary as such member, but each  
1591 shall receive travel and expense reimbursement as provided in s.  
1592 112.061.

1593 Section 33. Section 633.811, Florida Statutes, is amended



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1594 to read:

1595           633.811 Firefighter employer penalties.—If any firefighter  
1596 employer violates or fails or refuses to comply with ss.  
1597 633.801-633.821, or with any rule adopted by the division under  
1598 such sections in accordance with chapter 120 for the prevention  
1599 of injuries, accidents, or occupational diseases or with any  
1600 lawful order of the division in connection with ss. 633.801-  
1601 633.821, or fails or refuses to furnish or adopt any safety  
1602 device, safeguard, or other means of protection prescribed by  
1603 division rule under ss. 633.801-633.821 for the prevention of  
1604 accidents or occupational diseases, the division may issue an  
1605 administrative cease and desist order. The division may also  
1606 order assess against the firefighter employer to pay an  
1607 administrative fine a civil penalty of not less than \$100 nor  
1608 more than \$5,000 for each day the violation, omission, failure,  
1609 or refusal continues after the firefighter employer has been  
1610 given written notice of such violation, omission, failure, or  
1611 refusal. The total fine penalty for each violation shall not  
1612 exceed \$50,000. The division shall adopt rules requiring finer  
1613 penalties commensurate with the frequency or severity of safety  
1614 violations. Actions by the division pursuant to this section are  
1615 subject to the provisions of chapter 120. Any A hearing shall be  
1616 held in the county in which the violation, omission, failure, or  
1617 refusal is alleged to have occurred, unless otherwise agreed to  
1618 by the firefighter employer and authorized by the division.  
1619 Orders of the division issued pursuant to this section are  
1620 enforceable in the circuit court in the jurisdiction in which  
1621 the violation is occurring or has occurred. All penalties  
1622 assessed and collected under this section shall be deposited in





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1623 the Insurance Regulatory Trust Fund.

1624 Section 34. Subsection (3) of section 633.821, Florida  
1625 Statutes, is amended to read:

1626 633.821 Workplace safety.—

1627 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
1628 individuals located outside the immediately dangerous to life  
1629 and health atmosphere may be assigned to an additional role,  
1630 such as incident commander, pumper operator, engineer, or  
1631 driver, so long as such individual is able to immediately  
1632 perform assistance or rescue activities without jeopardizing the  
1633 safety or health of any firefighter working at an incident. ~~Also~~  
1634 ~~with respect to 29 C.F.R. s. 1910.134(g)(4):~~

1635 ~~(a) Each county, municipality, and special district shall~~  
1636 ~~implement such provision by April 1, 2002, except as provided in~~  
1637 ~~paragraphs (b) and (c).~~

1638 ~~(b) If any county, municipality, or special district is~~  
1639 ~~unable to implement such provision by April 1, 2002, without~~  
1640 ~~adding additional personnel to its firefighting staff or~~  
1641 ~~expending significant additional funds, such county,~~  
1642 ~~municipality, or special district shall have an additional 6~~  
1643 ~~months within which to implement such provision. Such county,~~  
1644 ~~municipality, or special district shall notify the division that~~  
1645 ~~the 6-month extension to implement such provision is in effect~~  
1646 ~~in such county, municipality, or special district within 30 days~~  
1647 ~~after its decision to extend the time for the additional 6~~  
1648 ~~months. The decision to extend the time for implementation shall~~  
1649 ~~be made prior to April 1, 2002.~~

1650 ~~(c) If, after the extension granted in paragraph (b), the~~  
1651 ~~county, municipality, or special district, after having worked~~



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1652 ~~with and cooperated fully with the division and the Firefighters~~  
1653 ~~Employment, Standards, and Training Council, is still unable to~~  
1654 ~~implement such provisions without adding additional personnel to~~  
1655 ~~its firefighting staff or expending significant additional~~  
1656 ~~funds, such municipality, county, or special district shall be~~  
1657 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~  
1658 ~~However, each year thereafter the division shall review each~~  
1659 ~~such county, municipality, or special district to determine if~~  
1660 ~~such county, municipality, or special district has the ability~~  
1661 ~~to implement such provision without adding additional personnel~~  
1662 ~~to its firefighting staff or expending significant additional~~  
1663 ~~funds. If the division determines that any county, municipality,~~  
1664 ~~or special district has the ability to implement such provision~~  
1665 ~~without adding additional personnel to its firefighting staff or~~  
1666 ~~expending significant additional funds, the division shall~~  
1667 ~~require such county, municipality, or special district to~~  
1668 ~~implement such provision. Such requirement by the division under~~  
1669 ~~this paragraph constitutes final agency action subject to~~  
1670 ~~chapter 120.~~

1671 Section 35. Except as otherwise expressly provided in this  
1672 act, this act shall take effect July 1, 2009.