

By Senator Aronberg

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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.; conforming
4 cross-references; amending s. 553.895, F.S.; revising
5 outdated publication references; amending s. 633.02,
6 F.S.; correcting the official title in references to
7 the State Fire Marshal; amending s. 633.025, F.S.;
8 providing requirements for firesafety plans and
9 inspections for manufactured buildings; amending s.
10 633.03, F.S.; expanding the investigative authority of
11 the State Fire Marshal to include the investigation of
12 explosions; amending s. 633.061, F.S.; revising the
13 type of fire suppression equipment for which a person
14 must hold a license in order to engage in the business
15 of servicing, inspecting, recharging, hydrotesting, or
16 installing fire-suppression equipment; revising the
17 requirements for the renewal of such license; amending
18 s. 633.081, F.S.; authorizing the State Fire Marshal
19 to inspect buildings or structures for certain
20 violations; abolishing special state firesafety
21 inspector classifications; providing for certification
22 as a firesafety inspector; providing application and
23 examination requirements; authorizing the State Fire
24 Marshal to develop a certain advanced training and
25 certification program for firesafety inspectors;
26 authorizing the Division of State Fire Marshal to
27 enter into a reciprocity agreement with the Florida
28 Building Code Administrators and Inspectors Board for
29 certain continuing education recertification purposes;

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30 amending s. 633.085, F.S.; revising requirements for
31 the State Fire Marshal to inspect state buildings;
32 amending s. 633.101, F.S.; revising and expanding the
33 authority and powers of the State Fire Marshal to
34 administer oaths, compel attendance of witnesses, and
35 collect evidence; providing certain forms of immunity
36 from liability for certain actions and persons under
37 certain circumstances; exempting certain information
38 from discovery under certain circumstances; exempting
39 agents of the State Fire Marshal from subpoena under
40 certain circumstances; specifying limitations on
41 treatment of physical evidence; authorizing persons
42 and agents of the State Fire Marshal to submit certain
43 crime-related reports or information to the State Fire
44 Marshal; authorizing agents of the State Fire Marshal
45 to make arrests as state law enforcement officers
46 under certain circumstances; providing that it is
47 unlawful to resist such arrest; amending s. 633.121,
48 F.S.; expanding the list of eligible persons
49 authorized to enforce laws and rules of the State Fire
50 Marshal; amending s. 633.13, F.S.; revising a
51 provision relating to the authority of agents of the
52 State Fire Marshal; amending s. 633.14, F.S.; revising
53 and expanding powers regarding arrests, searches, and
54 the carrying of firearms by State Fire Marshal agents
55 and investigators; amending s. 633.161, F.S.;
56 expanding the list of violations for which the State
57 Fire Marshal may issue certain enforcement orders;
58 providing criminal penalties for failure to comply

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59 with such orders; amending s. 633.171, F.S.;

60 conforming a provision; amending s. 633.175, F.S.;

61 specifying additional powers granted to the State Fire

62 Marshal; amending s. 633.18, F.S.; revising a

63 provision relating to the conducting of inquiries or

64 investigations by agents of the State Fire Marshal;

65 amending s. 633.30, F.S.; revising and providing

66 definitions; amending s. 633.34, F.S.; revising

67 requirements for qualification for employment as a

68 firefighter; amending s. 633.35, F.S.; revising

69 requirements for firefighter training and

70 certification; amending s. 633.351, F.S.; revising

71 provisions for disciplinary actions for firefighters;

72 revising standards for revocation of firefighter

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

74 requirements for retention of certification as a

75 firefighter; amending s. 633.382, F.S.; revising

76 provisions regarding required supplemental

77 compensation for firefighters; amending s. 633.524,

78 F.S.; authorizing the State Fire Marshal to contract

79 to provide certain examinations; amending s. 633.541,

80 F.S.; expanding an exclusion from application of a

81 prohibition against contracting without certification

82 for certain homeowners; amending s. 633.72, F.S.;

83 revising the membership terms of the Fire Code

84 Advisory Council; amending s. 633.811, F.S.; expanding

85 authority of the division to enforce provisions of law

86 and rules applicable to employers; authorizing the

87 assessment of administrative fines; amending s.

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88 633.821, F.S.; deleting certain obsolete provisions
 89 requiring counties, municipalities, and special
 90 districts to implement certain provisions of federal
 91 law; repealing s. 1013.12(8), F.S., relating to
 92 certain annual reports published by the State Fire
 93 Marshal; providing an effective date.

94

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

96

97 Section 1. Paragraph (e) of subsection (1) of section
 98 218.23, Florida Statutes, is amended to read:

99 218.23 Revenue sharing with units of local government.—

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

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

108

109 Additionally, to receive its share of revenue sharing funds, a
 110 unit of local government shall certify to the Department of
 111 Revenue that the requirements of s. 200.065, if applicable, were
 112 met. The certification shall be made annually within 30 days of
 113 adoption of an ordinance or resolution establishing a final
 114 property tax levy or, if no property tax is levied, not later
 115 than November 1. The portion of revenue sharing funds which,
 116 pursuant to this part, would otherwise be distributed to a unit

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117 of local government which has not certified compliance or has
118 otherwise failed to meet the requirements of s. 200.065 shall be
119 deposited in the General Revenue Fund for the 12 months
120 following a determination of noncompliance by the department.

121 Section 2. Paragraph (b) of subsection (4) of section
122 447.203, Florida Statutes, is amended to read:

123 447.203 Definitions.—As used in this part:

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

125 (b) Serve as police chiefs, fire chiefs, or directors of
126 public safety of any police, fire, or public safety department.
127 Other police officers, as defined in s. 943.10(1), and
128 firefighters, as defined in s. 633.30 ~~s. 633.30(1)~~, may be
129 determined by the commission to be managerial employees of such
130 departments. In making such determinations, the commission shall
131 consider, in addition to the criteria established in paragraph
132 (a), the paramilitary organizational structure of the department
133 involved.

134

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

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

141 553.895 Firesafety.—

142 (1) Any transient public lodging establishment, as defined
143 in chapter 509 and used primarily for transient occupancy as
144 defined in s. 83.43(10), or any timeshare unit of a timeshare
145 plan as defined in chapters 718 and 721, which is of three

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

169 Section 4. Section 633.02, Florida Statutes, is amended to
170 read:

171 633.02 Agents; powers and duties; compensation.—The State
172 Fire Marshal shall appoint such agents as may be necessary to
173 carry out effectively the provisions of this chapter, who shall
174 be reimbursed for travel expenses as provided in s. 112.061, in

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175 addition to their salary, when traveling or making
176 investigations in the performance of their duties. Such agents
177 shall be at all times under the direction and control of the
178 State Fire Marshal, who shall fix their compensation, and all
179 orders shall be issued in the State Fire Marshal's name and by
180 her or his authority.

181 Section 5. Subsection (11) is added to section 633.025,
182 Florida Statutes, to read:

183 633.025 Minimum firesafety standards.—

184 (11) (a) The plans for, and inspections of, manufactured
185 buildings may be completed at the point of manufacture if the
186 following requirements are met:

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

190 2. The manufacturer's modular data plate, stating that the
191 building is in compliance with chapter 633 and the rules of the
192 department, must be affixed to the building.

193 (b) The local fire official shall recognize and approve
194 such manufactured building, subject to local fire code
195 amendments, acceptable performance testing of life safety
196 systems, and site conditions. The cost of any additional work
197 necessary to meet the requirements of this subsection, if any,
198 shall be borne by the manufacturer. The department may adopt
199 rules to administer this subsection.

200 Section 6. Section 633.03, Florida Statutes, is amended to
201 read:

202 633.03 Investigation of fires and explosions ~~fire~~;
203 reports.—The State Fire Marshal shall investigate the cause,

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204 origin, and circumstances of every fire or explosion occurring
205 in this state wherein the State Fire Marshal deems an
206 investigation is necessary and ~~property has been damaged or~~
207 ~~destroyed~~ where there is probable cause to believe that the fire
208 or explosion was the result of carelessness or design. Report of
209 all such investigations shall be made on approved forms to be
210 furnished by the State Fire Marshal.

211 Section 7. Subsections (1) and (2) and paragraph (a) of
212 subsection (3) of section 633.061, Florida Statutes, are amended
213 to read:

214 633.061 Fire suppression equipment; license to install or
215 maintain.—

216 (1) It is unlawful for any organization or individual to
217 engage in the business of servicing, repairing, recharging,
218 testing, marking, inspecting, installing, or hydrotesting any
219 fire extinguisher or preengineered system in this state except
220 in conformity with the provisions of this chapter. Each
221 organization or individual that engages in such activity must
222 possess a valid and subsisting license issued by the State Fire
223 Marshal. All fire extinguishers and preengineered systems
224 required by statute or by rule must be serviced by an
225 organization or individual licensed under the provisions of this
226 chapter. A licensee who receives appropriate training shall not
227 be prohibited by a manufacturer from servicing any particular
228 brand of fire extinguisher or preengineered system. The licensee
229 is legally qualified to act for the business organization in all
230 matters connected with its business, and the licensee must
231 supervise all activities undertaken by such business
232 organization. Each licensee shall maintain a specific business

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233 location. A further requirement, in the case of multiple
 234 locations where such servicing or recharging is taking place, is
 235 that each licensee who maintains more than one place of business
 236 where actual work is carried on must possess an additional
 237 license, as set forth in this section, for each location, except
 238 that a licensed individual may not qualify for more than five
 239 locations. A licensee is limited to a specific type of work
 240 performed depending upon the class of license held. Licenses and
 241 license fees are required for the following:

242 (a) Class A..... \$250
 243 To service, recharge, repair, install, or inspect all types of
 244 fire extinguishers and to conduct hydrostatic tests on all types
 245 of fire extinguishers.

246 (b) Class B..... \$150
 247 To service, recharge, repair, install, or inspect all types of
 248 fire extinguishers, including recharging carbon dioxide units
 249 and conducting hydrostatic tests on all types of fire
 250 extinguishers, except carbon dioxide units.

251 (c) Class C..... \$150
 252 To service, recharge, repair, install, or inspect all types of
 253 fire extinguishers, except recharging carbon dioxide units, and
 254 to conduct hydrostatic tests on all types of fire extinguishers,
 255 except carbon dioxide units.

256 (d) Class D..... \$200
 257 To service, repair, recharge, hydrotest, install, or inspect all
 258 types of preengineered fire extinguishing systems.

259 (e) Licenses issued as duplicates or to reflect a change of
 260 address..... \$10
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262 Any fire equipment dealer licensed pursuant to this subsection
 263 who does not want to engage in the business of servicing,
 264 inspecting, recharging, repairing, hydrotesting, or installing
 265 clean agent ~~halon~~ equipment must file an affidavit on a form
 266 provided by the division so stating. Licenses will be issued by
 267 the division to reflect the work authorized thereunder. It is
 268 unlawful, unlicensed activity for any person or firm to falsely
 269 hold himself or herself or a business organization out to
 270 perform any service, inspection, recharge, repair, hydrotest, or
 271 installation except as specifically described in the license.

272 (2) Each individual actually performing the work of
 273 servicing, recharging, repairing, hydrotesting, installing,
 274 testing, or inspecting fire extinguishers or preengineered
 275 systems must possess a valid and subsisting permit issued by the
 276 State Fire Marshal. Permittees are limited as to specific type
 277 of work performed to allow work no more extensive than the class
 278 of license held by the licensee under whom the permittee is
 279 working. Permits will be issued by the division and the fees
 280 required are as follows:

281 (a) Portable permit \$90

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

286 (b) Preengineered permit \$120

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

290 (c) Permits issued as duplicates or to reflect a change of

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291 address \$10

292

293 Any fire equipment permittee licensed pursuant to this
 294 subsection who does not want to engage in servicing, inspecting,
 295 recharging, repairing, hydrotesting, or installing clean agent
 296 ~~halon~~ equipment must file an affidavit on a form provided by the
 297 division so stating. Permits will be issued by the division to
 298 reflect the work authorized thereunder. It is unlawful,
 299 unlicensed activity for any person or firm to falsely hold
 300 himself or herself out to perform any service, inspection,
 301 recharge, repair, hydrotest, or installation except as
 302 specifically described in the permit.

303 (3) (a) Such licenses and permits shall be issued by the
 304 State Fire Marshal for 2 years beginning January 1, 2000, and
 305 each 2-year period thereafter and expiring December 31 of the
 306 second year. All licenses or permits issued will expire on
 307 December 31 of each odd-numbered year. The failure to renew a
 308 license or permit by December 31 of the second year will cause
 309 the license or permit to become inoperative. The holder of an
 310 inoperative license or permit shall not engage in any activities
 311 for which a license or permit is required by this section. A
 312 license or permit which is inoperative because of the failure to
 313 renew it shall be restored upon payment of the applicable fee
 314 plus a penalty equal to the applicable fee, if the application
 315 for renewal is filed no later than the following March 31. If
 316 the application for restoration is not made before the March
 317 31st deadline, the fee for restoration shall be equal to the
 318 original application fee and the penalty provided for herein,
 319 and, in addition, the State Fire Marshal shall require

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320 reexamination of the applicant. The fee for a license or permit
321 issued for 1 year or less shall be prorated at 50 percent of the
322 applicable fee for a biennial license or permit. Following the
323 initial licensure, each licensee or permittee shall successfully
324 complete a course or courses of continuing education for fire
325 equipment technicians of at least 16 ~~32~~ hours. A license or
326 permit may not be renewed unless the licensee or permittee
327 produces documentation of the completion of at least 16 hours of
328 continuing education for fire equipment technicians during the
329 biennial licensure period ~~within 4 years of initial issuance of~~
330 ~~a license or permit and within each 4-year period thereafter or~~
331 ~~no such license or permit shall be renewed.~~ A person who is both
332 a licensee and a permittee shall be required to complete a total
333 of 16 ~~32~~ hours of continuing education during each renewal ~~per~~
334 ~~4-year~~ period. Each licensee shall ensure that all permittees in
335 his or her employment meet their continuing education
336 requirements. The State Fire Marshal shall adopt rules
337 describing the continuing education requirements and shall have
338 the authority upon reasonable belief, to audit a fire equipment
339 dealer to determine compliance with continuing education
340 requirements.

341 Section 8. Section 633.081, Florida Statutes, is amended to
342 read:

343 633.081 Inspection of buildings and equipment; orders;
344 firesafety inspection training requirements; certification;
345 disciplinary action.—The State Fire Marshal and her or his
346 agents may ~~shall~~, at any reasonable hour, when the department
347 has reasonable cause to believe that a violation of this chapter
348 or s. 509.215, or a rule promulgated thereunder, or a minimum

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349 firesafety code adopted by the State Fire Marshal or a local
350 authority, may exist, inspect any and all buildings and
351 structures which are subject to the requirements of this chapter
352 or s. 509.215 and rules promulgated thereunder. The authority to
353 inspect shall extend to all equipment, vehicles, and chemicals
354 which are located on or within the premises of any such building
355 or structure.

356 (1) Each county, municipality, and special district that
357 has firesafety enforcement responsibilities shall employ or
358 contract with a firesafety inspector. The firesafety inspector
359 must conduct all firesafety inspections that are required by
360 law. The governing body of a county, municipality, or special
361 district that has firesafety enforcement responsibilities may
362 provide a schedule of fees to pay only the costs of inspections
363 conducted pursuant to this subsection and related administrative
364 expenses. Two or more counties, municipalities, or special
365 districts that have firesafety enforcement responsibilities may
366 jointly employ or contract with a firesafety inspector.

367 (2) Every firesafety inspection conducted pursuant to state
368 or local firesafety requirements shall be by a person certified
369 as having met the inspection training requirements set by the
370 State Fire Marshal. Such person shall:

371 (a) Be a high school graduate or the equivalent as
372 determined by the department;

373 (b) Not have been found guilty of, or having pleaded guilty
374 or nolo contendere to, a felony or a crime punishable by
375 imprisonment of 1 year or more under the law of the United
376 States, or of any state thereof, which involves moral turpitude,
377 without regard to whether a judgment of conviction has been

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378 entered by the court having jurisdiction of such cases;

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

381 (d) Have good moral character as determined by the
382 department;

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

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

386 (g)1. Have satisfactorily completed, as determined by the
387 department, a firesafety inspector training program of not less
388 than 200 hours established by the department and administered by
389 agencies and institutions approved by the department for the
390 purpose of providing basic certification training for firesafety
391 inspectors; or

392 2. Have received in another state training which is
393 determined by the department to be at least equivalent to that
394 required by the department for approved firesafety inspector
395 education and training programs in this state.

396 (3) (a)1. Effective July 1, 2012, the classification of
397 special state firesafety inspector is abolished and all special
398 state firesafety inspector certifications expire at midnight
399 June 30, 2012.

400 2. Any person who is a special state firesafety inspector
401 on June 30, 2012, and who has failed to comply with paragraph
402 (b) or paragraph (c) may not perform any firesafety inspection
403 required by law.

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

406 (b)1. Any person who is a special state firesafety

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407 inspector on July 1, 2009, and who has at least 5 years of
408 experience as a special state firesafety inspector as of July 1,
409 2009, may take the same firesafety inspection examination as
410 provided in paragraph (2)(f) for firesafety inspectors before
411 July 1, 2012, to be certified as a firesafety inspector as
412 described in subsection (2).

413 2. Upon passing the examination, the person shall be
414 certified as a firesafety inspector as provided in subsection
415 (2).

416 3. Failure to obtain certification requires compliance with
417 paragraph (c) in order to be certified as a firesafety inspector
418 as provided in subsection (2).

419 (c)1. To be certified as a firesafety inspector under
420 subsection (2), a person must take an additional 80 hours of the
421 courses described in paragraph (2)(g) if such person:

422 a. Is a special state firesafety inspector on July 1, 2009,
423 and who does not have 5 years of experience as a special state
424 firesafety inspector as of July 1, 2009; or

425 b. Has 5 years of experience as a special state firesafety
426 inspector but has failed the examination taken pursuant to
427 paragraph (b).

428 2. After successfully completing the courses described in
429 this paragraph, such person is permitted to take the firesafety
430 inspection examination described in paragraph (2)(f), if such
431 examination is taken before July 1, 2012.

432 3. Upon passing the examination, the person shall be
433 certified as a firesafety inspector under subsection (2).

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

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436 firesafety inspection required by law on or after July 1, 2012.
437 ~~Each special state firesafety inspection which is required by~~
438 ~~law and is conducted by or on behalf of an agency of the state~~
439 ~~must be performed by an individual who has met the provision of~~
440 ~~subsection (2), except that the duration of the training program~~
441 ~~shall not exceed 120 hours of specific training for the type of~~
442 ~~property that such special state firesafety inspectors are~~
443 ~~assigned to inspect.~~

444 (4) A firefighter certified pursuant to s. 633.35 may
445 conduct firesafety inspections, under the supervision of a
446 certified firesafety inspector, while on duty as a member of a
447 fire department company conducting inservice firesafety
448 inspections without being certified as a firesafety inspector,
449 if such firefighter has satisfactorily completed an inservice
450 fire department company inspector training program of at least
451 24 hours' duration as provided by rule of the department.

452 (5) Every firesafety inspector ~~or special state firesafety~~
453 ~~inspector~~ certificate is valid for a period of 3 years from the
454 date of issuance. Renewal of certification shall be subject to
455 the affected person's completing proper application for renewal
456 and meeting all of the requirements for renewal as established
457 under this chapter or by rule adopted ~~promulgated~~ thereunder,
458 which shall include completion of at least 40 hours during the
459 preceding 3-year period of continuing education as required by
460 the rule of the department or, in lieu thereof, successful
461 passage of an examination as established by the department.

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

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465 following grounds exist:

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

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

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

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

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

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

479 (g) Making or filing a report or record that the
480 certificateholder knows to be false, or knowingly inducing
481 another to file a false report or record, or knowingly failing
482 to file a report or record required by state or local law, or
483 knowingly impeding or obstructing such filing, or knowingly
484 inducing another person to impede or obstruct such filing.

485 (h) Failing to properly enforce applicable fire codes or
486 permit requirements within this state which the
487 certificateholder knows are applicable by committing willful
488 misconduct, gross negligence, gross misconduct, repeated
489 negligence, or negligence resulting in a significant danger to
490 life or property.

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

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494 who is not an immediate family member of the certificateholder.
495 For the purpose of this paragraph, the term "immediate family
496 member" means a spouse, child, parent, sibling, grandparent,
497 aunt, uncle, or first cousin of the person or the person's
498 spouse or any person who resides in the primary residence of the
499 certificateholder.

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

502 (8) The State Fire Marshal may develop by rule an advanced
503 training and certification program for firesafety inspectors
504 with fire code management responsibility. Such program must be
505 consistent with national standards and establish minimum
506 training, education, and experience levels for firesafety
507 inspectors with fire code management responsibilities.

508 (9) The Division of State Fire Marshal may enter into a
509 reciprocity agreement with the Florida Building Code
510 Administrators and Inspectors Board, established pursuant to s.
511 468.605, to facilitate joint recognition of continuing education
512 recertification hours for certificateholders licensed under s.
513 468.609 and firesafety inspectors certified under subsection
514 (2).

515 Section 9. Paragraph (a) of subsection (1) and subsections
516 (2), (3), and (4) of section 633.085, Florida Statutes, are
517 amended to read:

518 633.085 Inspections of state buildings and premises; tests
519 of firesafety equipment; building plans to be approved.—

520 (1) (a) It is the duty of the State Fire Marshal and her or
521 his agents to inspect, or cause to be inspected, each state-
522 owned building, which, for purposes of this section, includes

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523 each building located on land owned by the state and used
524 primarily for state purposes as determined by the State Fire
525 Marshal, on a recurring basis established by rule, and to ensure
526 that high-hazard occupancies are inspected at least annually,
527 for the purpose of ascertaining and causing to be corrected any
528 conditions liable to cause fire or endanger life from fire and
529 any violation of the firesafety standards for state-owned
530 buildings, the provisions of this chapter, or the rules or
531 regulations adopted and promulgated pursuant hereto. The State
532 Fire Marshal shall, within 7 days following an inspection,
533 submit a report of such inspection to the head of the department
534 of state government responsible for the building.

535 (2) The State Fire Marshal and her or his agents may ~~shall~~
536 conduct performance tests on any electronic fire warning and
537 smoke detection system, and any pressurized air-handling unit,
538 in any state-owned building or state-leased space on a recurring
539 basis as provided in subsection (1). The State Fire Marshal and
540 her or his agents shall also ensure that fire drills are
541 conducted in all high-hazard state-owned buildings or high-
542 hazard state-leased ~~high-hazard~~ occupancies at least annually.

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

547 (a) For all new construction or renovation, alteration, or
548 change of occupancy of state-leased space, compliance with the
549 uniform firesafety standards shall be determined by reviewing
550 the plans for the proposed construction or occupancy submitted
551 by the lessor to the Division of State Fire Marshal for review

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

555 (b) The plans for all construction of any new, or
556 renovation or alteration of any existing, state-owned building
557 are subject to the review and approval of the Division of State
558 Fire Marshal for compliance with the uniform firesafety
559 standards prior to commencement of construction or change of
560 occupancy, which review shall be completed within 30 calendar
561 days of receipt of the plans by the Division of State Fire
562 Marshal.

563 (4) The Division of State Fire Marshal may inspect state-
564 owned buildings and space and state-leased space as necessary
565 prior to occupancy or during construction, renovation, or
566 alteration to ascertain compliance with the uniform firesafety
567 standards. Whenever the Division of State Fire Marshal
568 determines by virtue of such inspection or by review of plans
569 that construction, renovation, or alteration of state-owned
570 buildings and state-leased space is not in compliance with the
571 uniform firesafety standards, the Division of State Fire Marshal
572 shall issue an order to cease construction, renovation, or
573 alteration, or to preclude occupancy, of a building until
574 compliance is obtained, except for those activities required to
575 achieve such compliance.

576 Section 10. Section 633.101, Florida Statutes, is amended
577 to read:

578 633.101 Hearings; investigations; investigatory powers of
579 State Fire Marshal; costs of service and witness fees.—

580 (1) The State Fire Marshal may in his or her discretion

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581 take or cause to be taken the testimony on oath of all persons
582 whom he or she believes to be cognizant of any facts in relation
583 to matters under investigation. The State Fire Marshal may
584 administer oaths and affirmations, compel the attendance of
585 witnesses or proffering of matter, and collect evidence.

586 (2) If the State Fire Marshal seeks to obtain by request
587 any matter that, or the testimony of any person who, is located
588 outside the state, the person requested shall provide the
589 testimony to the State Fire Marshal or make the matter available
590 to the State Fire Marshal to examine at the place where the
591 matter is located. The State Fire Marshal may designate
592 representatives, including officials of the state in which the
593 matter is located, to inspect the matter on behalf of the State
594 Fire Marshal, and the State Fire Marshal may respond to similar
595 requests from officials of other states. ~~If the State Fire~~
596 ~~Marshal shall be of the opinion that there is sufficient~~
597 ~~evidence to charge any person with an offense, he or she shall~~
598 ~~cause the arrest of such person and shall furnish to the~~
599 ~~prosecuting officer of any court having jurisdiction of said~~
600 ~~offense all information obtained by him or her, including a copy~~
601 ~~of all pertinent and material testimony taken, together with the~~
602 ~~names and addresses of all witnesses. In the conduct of such~~
603 ~~investigations, the fire marshal may request such assistance as~~
604 ~~may reasonably be given by such prosecuting officers and other~~
605 ~~local officials.~~

606 (3) (a) The State Fire Marshal may request that an
607 individual who refuses to comply with any request made under
608 subsection (2) be ordered by the circuit court to provide the
609 testimony or matter. The court may not order such compliance

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610 unless the State Fire Marshal has demonstrated to the
611 satisfaction of the court that the testimony of the witness or
612 the matter under request has a direct bearing on a matter under
613 the jurisdiction of the State Fire Marshal or the Florida
614 Insurance Code, constitutes a felony or misdemeanor under this
615 chapter, a fraudulent insurance act, or an act of arson, or is
616 pertinent and necessary to further such investigation.

617 (b) Except in a prosecution for perjury, an individual who
618 complies with a court order to provide testimony or matter after
619 asserting a privilege against self-incrimination to which the
620 individual is entitled by law may not be subjected to a criminal
621 proceeding or to a civil penalty with respect to the act
622 concerning that which the individual is required to testify or
623 produce relevant matter.

624 (c) In the absence of fraud or bad faith, a person is not
625 subject to civil liability for libel, slander, or any other
626 relevant tort by virtue of filing reports, without malice, or
627 furnishing other information, without malice, required by this
628 chapter or required by the State Fire Marshal under the
629 authority granted in this chapter, and no civil cause of action
630 of any nature shall arise against such person for:

631 1. Any information relating to a matter under the
632 jurisdiction of the State Fire Marshal, suspected violations of
633 the Florida Insurance Code, or fraudulent insurance acts or
634 persons suspected of engaging in such acts furnished to or
635 received from law enforcement officials or their agents or
636 employees;

637 2. Any information relating to any matter under the
638 jurisdiction of the State Fire Marshal, suspected violations of

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639 the Florida Insurance Code, fraudulent insurance acts or acts of
640 arson, or persons suspected of engaging in such acts furnished
641 to or received from other persons subject to the provisions of
642 this chapter;

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

646 4. Other actions taken in cooperation with any of the
647 agencies or individuals specified in this paragraph in the
648 lawful investigation of violations under the jurisdiction of the
649 State Fire Marshal, suspected violations of the Florida
650 Insurance Code, or suspected fraudulent insurance acts.

651 (d) In addition to the immunity granted in paragraph (c), a
652 person identified as a designated employee whose
653 responsibilities include the investigation and disposition of
654 violations under the jurisdiction of the State Fire Marshal or
655 the Florida Insurance Code and claims relating to suspected
656 fraudulent insurance acts may share information relating to
657 persons suspected of such acts with other designated employees
658 employed by the same or other insurers whose responsibilities
659 include such acts. Unless the employees of the insurer act in
660 bad faith or in reckless disregard for the rights of any
661 insured, the insurer or its designated employees are not civilly
662 liable for libel, slander, or any other relevant tort, and a
663 civil action does not arise against the insurer or its
664 designated employees for:

665 1. Any information related to any matter under the
666 jurisdiction of the State Fire Marshal or the Florida Insurance
667 Code, or suspected fraudulent insurance acts provided to an

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668 insurer; or

669 2. Any information relating to any matter under the
670 jurisdiction of the State Fire Marshal or the Florida Insurance
671 Code, or suspected fraudulent insurance acts provided to the
672 National Insurance Crime Bureau or the National Association of
673 Insurance Commissioners.

674
675 However, the qualified immunity against civil liability
676 conferred on any insurer or its designated employees shall be
677 forfeited with respect to the exchange or publication of any
678 defamatory information with third parties not expressly
679 authorized by this paragraph to share in such information.

680 (e) This section does not abrogate or modify in any way any
681 common law or statutory privilege or immunity otherwise
682 applicable to any person.

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

690 (4) Papers, documents, reports, or evidence relative to the
691 subject of an investigation under this section are not subject
692 to discovery until the investigation is completed or ceases to
693 be active. Agents of the State Fire Marshal are not subject to
694 subpoena in civil actions by any court of this state to testify
695 concerning any matter of which they have knowledge pursuant to a
696 pending investigation by the State Fire Marshal. All persons so

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

702 (5) Any person, other than an insurer, agent, or other
703 person licensed under the Florida Insurance Code or an employee
704 of such licensee, having knowledge or a belief that a crime
705 involving arson, a destructive device, an illegal possession of
706 explosives, a fraudulent insurance act, or any other act or
707 practice which, upon conviction, constitutes a felony or a
708 misdemeanor under this chapter, the Florida Insurance Code, or
709 s. 817.233, is being or has been committed may submit to the
710 State Fire Marshal a report or information pertinent to such
711 knowledge or belief and such additional information relative to
712 such knowledge or belief as the State Fire Marshal may request.
713 Any insurer, agent, or other person licensed under the Florida
714 Insurance Code, or an employee of such licensee, having
715 knowledge or a belief that a crime involving arson, a
716 destructive device, an illegal possession of explosives, or any
717 other act or practice which, upon conviction, constitutes a
718 felony or a misdemeanor under this chapter or s. 817.233, is
719 being or has been committed, shall send to the State Fire
720 Marshal a report or information pertinent to such knowledge or
721 belief and such additional information relative to such
722 knowledge or belief as the State Fire Marshal may require. The
723 State Fire Marshal shall review such information or reports and
724 select such information or reports as, in his or her judgment,
725 may require further investigation. The State Fire Marshal shall

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726 then cause an independent examination of the facts surrounding
727 such information or report to be made to determine the extent,
728 if any, to which a crime involving arson, a destructive device,
729 or a fraudulent insurance act, or any other act or practice
730 that, upon conviction, constitutes a felony or a misdemeanor
731 under this chapter, the Florida Insurance Code, or s. 817.233 is
732 being or has been committed. The State Fire Marshal shall report
733 any alleged violations of law which his or her investigations
734 reveal to the appropriate licensing agency and state attorney or
735 other prosecuting agency having jurisdiction with respect to any
736 such violation.

737 (6) It is unlawful for any person to resist an arrest by an
738 agent of the State Fire Marshal authorized by this section or in
739 any manner to interfere, by abetting or assisting such
740 resistance or otherwise interfering, with any Division of State
741 Fire Marshal investigator in the duties imposed upon such agent
742 or investigator by law or department rule.

743 Section 11. Section 633.121, Florida Statutes, is amended
744 to read:

745 633.121 Persons authorized to enforce laws and rules of
746 State Fire Marshal.—The chiefs of county, municipal, and
747 special-district fire departments; other fire department
748 personnel designated by their respective chiefs; ~~and~~ personnel
749 designated by local governments having no organized fire
750 departments; and all law enforcement officers in the state duly
751 certified under chapter 943 and acting upon the request of the
752 State Fire Marshal or a chief of a county, municipal, or special
753 district fire department may ~~are authorized to~~ enforce this
754 chapter law and all rules adopted ~~prescribed~~ by the State Fire

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755 Marshal within their respective jurisdictions. Such personnel
756 acting under the authority of this section shall be deemed to be
757 agents of their respective jurisdictions, not agents of the
758 State Fire Marshal.

759 Section 12. Section 633.13, Florida Statutes, is amended to
760 read:

761 633.13 State Fire Marshal; authority of agents.—The
762 authority given the State Fire Marshal under this chapter or any
763 rule or order adopted by the State Fire Marshal ~~law~~ may be
764 exercised by his or her agents, either individually or in
765 conjunction with any other state or local official charged with
766 similar responsibilities.

767 Section 13. Section 633.14, Florida Statutes, is amended to
768 read:

769 633.14 Agents; powers to make arrests, conduct searches and
770 seizures, serve summonses, and carry firearms.—Agents or
771 investigators of the State Fire Marshal have the power to make
772 arrests for criminal violations established as a result of
773 investigations. Such agents or investigators shall also be
774 considered state law enforcement officers for all purposes and
775 shall have the power to execute arrest warrants and search
776 warrants; serve subpoenas issued for the examination,
777 investigation, and trial of all offenses; and to arrest upon
778 probable cause, without warrant, any person violating any
779 provision of the laws of this state. Agents or investigators
780 empowered to make arrests under this section may bear arms in
781 the performance of their duties. In such a situation, the
782 investigator must be certified in compliance with the provisions
783 of s. 943.1395 or must meet the temporary employment or

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784 appointment exemption requirements of s. 943.131 until certified
785 ~~shall have the same authority to serve summonses, make arrests,~~
786 ~~carry firearms, and make searches and seizures, as the sheriff~~
787 ~~or her or his deputies, in the respective counties where such~~
788 ~~investigations, hearings, or inspections may be held; and~~
789 ~~affidavits necessary to authorize any such arrests, searches, or~~
790 ~~seizures may be made before any trial court judge having~~
791 ~~authority under the law to issue appropriate processes.~~

792 Section 14. Subsections (1) and (3) of section 633.161,
793 Florida Statutes, are amended to read:

794 633.161 Violations; orders to cease and desist, correct
795 hazardous conditions, preclude occupancy, or vacate;
796 enforcement; penalties.-

797 (1) If it is determined by the department that a violation
798 specified in this subsection exists, the State Fire Marshal or
799 her or his agent ~~deputy~~ may issue and deliver to the person
800 committing the violation an order to cease and desist from such
801 violation, to correct any hazardous condition, to preclude
802 occupancy of the affected building or structure, or to vacate
803 the premises of the affected building or structure. Such
804 violations consist of ~~are~~:

805 (a) Except as set forth in paragraph (b), a violation of
806 any provision of this chapter, of any rule adopted pursuant
807 thereto, of any applicable uniform firesafety standard adopted
808 pursuant to s. 633.022 which is not adequately addressed by any
809 alternative requirements adopted on a local level, or of any
810 minimum firesafety standard adopted pursuant to s. 394.879.

811 (b) A substantial violation of an applicable minimum
812 firesafety standard adopted pursuant to s. 633.025 which is not

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813 reasonably addressed by any alternative requirement imposed at
814 the local level, or an unreasonable interpretation of an
815 applicable minimum firesafety standard, and which violation or
816 interpretation clearly constitutes a danger to lifesafety.

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

820 (d) A building or structure which contains explosive matter
821 or flammable liquids or gases constituting a danger to life,
822 safety, or property.

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

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

828 Section 15. Subsection (1) of section 633.171, Florida
829 Statutes, is amended to read:

830 633.171 Penalty for violation of law, rule, or order to
831 cease and desist or for failure to comply with corrective
832 order.-

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

838 Section 16. Subsection (1) of section 633.175, Florida
839 Statutes, is amended to read:

840 633.175 Investigation of fraudulent insurance claims and
841 crimes; immunity of insurance companies supplying information.-

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842 (1) In addition to the other powers granted by this
843 chapter, the State Fire Marshal or an agent appointed pursuant
844 to s. 633.02, any law enforcement officer as defined in s.
845 111.065, any law enforcement officer of a federal agency, or any
846 fire department official who is engaged in the investigation of
847 a fire loss may request any insurance company or its agent,
848 adjuster, employee, or attorney, investigating a claim under an
849 insurance policy or contract with respect to a fire to release
850 any information whatsoever in the possession of the insurance
851 company or its agent, adjuster, employee, or attorney relative
852 to a loss from that fire. The insurance company shall release
853 the available information to and cooperate with any official
854 authorized to request such information pursuant to this section.
855 The information shall include, but shall not be limited to:

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

858 (b) Any policy premium payment records.

859 (c) The records, reports, and all material pertaining to
860 any previous claims made by the insured with the reporting
861 company.

862 (d) Material relating to the investigation of the loss,
863 including statements of any person, proof of loss, and other
864 relevant evidence.

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

868 Section 17. Section 633.18, Florida Statutes, is amended to
869 read:

870 633.18 State Fire Marshal; hearings and investigations;

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871 subpoena of witnesses; orders of circuit court.—Any agent
872 designated by the State Fire Marshal for such purposes, may hold
873 hearings, sign and issue subpoenas, administer oaths, examine
874 witnesses, receive evidence, and require by subpoena the
875 attendance and testimony of witnesses and the production of such
876 accounts, records, memoranda or other evidence, as may be
877 material for the determination of any complaint or conducting
878 any inquiry or investigation under this chapter or any rule or
879 order of the State Fire Marshal ~~law~~. In case of disobedience to
880 a subpoena, the State Fire Marshal or his or her agent may
881 invoke the aid of any court of competent jurisdiction in
882 requiring the attendance and testimony of witnesses and the
883 production of accounts, records, memoranda or other evidence and
884 any such court may in case of contumacy or refusal to obey a
885 subpoena issued to any person, issue an order requiring the
886 person to appear before the State Fire Marshal's agent or
887 produce accounts, records, memoranda or other evidence, as so
888 ordered, or to give evidence touching any matter pertinent to
889 any complaint or the subject of any inquiry or investigation,
890 and any failure to obey such order of the court shall be
891 punished by the court as a contempt thereof.

892 Section 18. Section 633.30, Florida Statutes, is amended to
893 read:

894 633.30 Standards for firefighting; definitions.—As used in
895 this chapter, the term:

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

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

907 (2) "Council" means the Firefighters Employment, Standards,
908 and Training Council ~~"Employing agency" means any municipality~~
909 ~~or county, the state, or any political subdivision of the state,~~
910 ~~including authorities and special districts, employing~~
911 ~~firefighters as defined in subsection (1).~~

912 (3) "Department" means the Department of Financial
913 Services.

914 (4) "Division" means the Division of State Fire Marshal of
915 the Department of Financial Services ~~"Council" means the~~
916 ~~Firefighters Employment, Standards, and Training Council.~~

917 (5) "Employing agency" means any municipality or county,
918 the state, or any political subdivision of the state, including
919 authorities, special districts, or any private entity under
920 contract with such entities ~~"Division" means the Division of~~
921 ~~State Fire Marshal of the Department of Financial Services.~~

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

927 (7) "Fire service apprentice" means any high school student
928 who completes a high school course of instruction and

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929 examination approved by the department that includes specified
930 components of firefighter I and II certification in accordance
931 with the division's rules. Before the age of 18, a fire service
932 apprentice may function as a fireground resource technician with
933 a recognized fire department. Upon reaching the age of 18 and
934 graduating from high school, the fire service apprentice may
935 complete the outstanding components of firefighter I and II
936 certification training and become certified at level II in
937 accordance with the division's rules.

938 (8) "Firefighter" means any person whose responsibility is
939 the emergency response to fires and other emergencies, the
940 prevention and extinguishment of fires, the protection and
941 saving of life and property, and the enforcement of municipal,
942 county, and state fire prevention codes, as well as of any law
943 pertaining to the prevention and control of fires.

944 (9) "Firefighter I" means a person who has successfully
945 completed the firefighter I training program and is certified at
946 level I in accordance with the division's rules. Firefighter I
947 is the minimum level of certification to function as a volunteer
948 firefighter.

949 (10) "Firefighter II" means a person who has successfully
950 completed the firefighter II training program and is certified
951 at level II in accordance with the division's rules. Firefighter
952 II is the minimum level of certification to function as a career
953 firefighter as set forth in subsection (2). For purposes of this
954 chapter, a certificate of compliance at level II replaces the
955 previous certificate of compliance required to be a career
956 firefighter. Firefighters currently certified with a certificate
957 of compliance are deemed to be in compliance with the

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958 requirements of this chapter and need not become certified as a
959 firefighter II.

960 (11) "Fireground resource technician" means a volunteer
961 exterior firefighter or support person who is not qualified by
962 certification to be an interior firefighter but who has
963 completed a course of instruction in accordance with the
964 division's rules. Fireground resource technician is the minimum
965 level of certification to function on the fireground in
966 accordance with division rules.

967 Section 19. Section 633.34, Florida Statutes, is amended to
968 read:

969 633.34 Firefighters; qualifications for employment.—

970 (1) Any person applying for employment as a firefighter
971 must:

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

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

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

980 2. Misdemeanor involving moral turpitude, or misleading or
981 false statements relating to certification or employment as a
982 firefighter.

983
984 If an applicant has been sentenced for any conviction of a
985 felony or a misdemeanor, the applicant is not eligible for
986 certification until 4 years after the expiration of any

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987 sentence. If a sentence is suspended or adjudication is withheld
988 and a period of probation is imposed, the applicant must have
989 been released from probation. Neither have been convicted of a
990 felony or of a misdemeanor directly related to the position of
991 employment sought, nor have pled nolo contendere to any charge
992 of a felony. If an applicant has been convicted of a felony,
993 such applicant must be in compliance with s. 112.011(2) (b). If
994 an applicant has been convicted of a misdemeanor directly
995 related to the position of employment sought, such applicant
996 shall be excluded from employment for a period of 4 years after
997 expiration of sentence. If the sentence is suspended or
998 adjudication is withheld in a felony charge or in a misdemeanor
999 directly related to the position or employment sought and a
1000 period of probation is imposed, the applicant must have been
1001 released from probation.

1002 (c)(3) Pay for and submit fingerprints as directed by the
1003 division ~~Submit a fingerprint card to the division with a~~
1004 ~~current processing fee. The fingerprints shall fingerprint card~~
1005 ~~will be forwarded to the Department of Law Enforcement or and/or~~
1006 ~~the Federal Bureau of Investigation, or both, as directed by~~
1007 division rule.

1008 ~~(4) Have a good moral character as determined by~~
1009 ~~investigation under procedure established by the division.~~

1010 (d)(5) Be in good physical condition as determined by a
1011 medical examination given by a physician, surgeon, or physician
1012 assistant licensed to practice in the state pursuant to chapter
1013 458; an osteopathic physician, surgeon, or physician assistant
1014 licensed to practice in the state pursuant to chapter 459; or an
1015 advanced registered nurse practitioner licensed to practice in

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1016 the state pursuant to chapter 464, who are aware of and familiar
 1017 with the medical requirements for training and certification as
 1018 stated in department rule. ~~Such examination may include, but~~
 1019 ~~need not be limited to, provisions of the National Fire~~
 1020 ~~Protection Association Standard 1582. Results of this~~ A medical
 1021 examination evidencing good physical condition shall be
 1022 submitted to the division, on a form as provided by rule, before
 1023 an individual is eligible for admission into a firefighter
 1024 training program as defined in s. 633.35.

1025 (e) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
 1026 least 1 year immediately preceding application, as evidenced by
 1027 the sworn affidavit of the applicant.

1028 (2) A person who does not hold a fire service apprentice,
 1029 fireground resource technician, firefighter I, or firefighter II
 1030 certificate may not respond or engage in hazardous operations,
 1031 including, but not limited to, interior structural firefighting,
 1032 hazardous-materials-incident mitigation, and incident command,
 1033 requiring the knowledge and skills taught in the training
 1034 programs established in s. 633.35, regardless of volunteer or
 1035 employment status.

1036 Section 20. Section 633.35, Florida Statutes, is amended to
 1037 read:

1038 633.35 Firefighter training and certification.—

1039 (1) The division shall establish by rule ~~a~~ firefighter
 1040 training programs for certification as a fireground resource
 1041 technician, a fire service apprentice, a firefighter I, and a
 1042 firefighter II, to be ~~program of not less than 360 hours,~~
 1043 administered by such agencies and institutions as approved by
 1044 the division in accordance with division rules ~~it approves for~~

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1045 the purpose of providing ~~basic employment~~ training for
1046 firefighters. Nothing herein shall require a public employer to
1047 pay the cost of such training.

1048 (2) The division shall issue certificates ~~a certificate~~ of
1049 compliance for certification as a fireground resource
1050 technician, a fire service apprentice, a firefighter I, and a
1051 firefighter II to any person who has satisfactorily completed
1052 ~~complying with~~ the training programs ~~program~~ established in
1053 subsection (1), who has successfully passed an examination as
1054 prescribed by the division, and who possesses the qualifications
1055 specified ~~for employment~~ in s. 633.34, ~~except s. 633.34(5)~~. A No
1056 person may not be employed as a career ~~regular or permanent~~
1057 firefighter by an employing agency, or by a private entity under
1058 contract with the state or any political subdivision of the
1059 state, including authorities and special districts, unless
1060 certified as a firefighter II, except for an individual hired to
1061 be trained and become certified as a firefighter II. An
1062 individual hired to be trained and become certified as a
1063 firefighter II has a maximum of ~~for a period of time in excess~~
1064 ~~of~~ 1 year from the date of initial employment to obtain the
1065 firefighter II ~~until he or she has obtained such~~ certificate of
1066 compliance. A person who does not hold a firefighter II
1067 certificate of compliance and is employed under this section may
1068 not directly engage in hazardous operations, such as interior
1069 structural firefighting and hazardous-materials-incident
1070 mitigation, requiring the knowledge and skills taught in a
1071 training program established in subsection (1), including
1072 incident command. However, a person who is certified and has
1073 been employed by ~~served as a volunteer firefighter with the~~

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1074 state or any political subdivision of the state, including
1075 authorities and special districts, who is then employed as a
1076 career ~~regular or permanent~~ firefighter may function, during
1077 this period, in the same capacity in which he or she acted
1078 before being employed as a career firefighter ~~as a volunteer~~
1079 ~~firefighter, provided that he or she has completed all training~~
1080 ~~required by the volunteer organization.~~

1081 (3) The division may issue a certificate of compliance at
1082 the firefighter I or firefighter II level to any person who has
1083 received basic employment training for firefighters in another
1084 state when the division has determined that such training was at
1085 least equivalent to that required by the division for approved
1086 firefighter education and training programs in this state and
1087 when such person has satisfactorily complied with all other
1088 requirements of this section. The division may also issue a
1089 special certificate to a person who is otherwise qualified under
1090 this section and who is employed as the administrative and
1091 command head of a fire/rescue/emergency services organization,
1092 based on the acknowledgment that such person is less likely to
1093 need physical dexterity and more likely to need advanced
1094 knowledge of firefighting and supervisory skills. The
1095 certificate is valid only while the person is serving in a
1096 position as an administrative and command head of a
1097 fire/rescue/emergency services organization and must be obtained
1098 before employment in such capacity.

1099 (4) A person who fails an examination given under this
1100 section may retake the examination once within 6 months after
1101 the original examination date. An applicant who does not pass
1102 ~~retake~~ the examination within such time must repeat or take the

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1103 applicable training program ~~Minimum Standards Course~~, pursuant
1104 to subsection (1), before being reexamined. The division may
1105 establish reasonable preregistration deadlines for such
1106 reexaminations.

1107 (5) Pursuant to s. 590.02(1)(e), the division shall
1108 establish a structural fire training program of not less than 40
1109 hours. The division shall issue to any person satisfactorily
1110 complying with this training program and who has successfully
1111 passed an examination as prescribed by the division and who has
1112 met the requirements of s. 590.02(1)(e) a Certificate of
1113 Forestry Firefighter.

1114 (6) A certified forestry firefighter is entitled to the
1115 same rights, privileges, and benefits provided for by law as a
1116 career certified firefighter. For the purposes of this statute,
1117 forestry compliance certification is equivalent to firefighter
1118 II.

1119 Section 21. Section 633.351, Florida Statutes, is amended
1120 to read:

1121 633.351 Disciplinary action; firefighters; standards for
1122 revocation of certification.—

1123 (1) The certification of a firefighter shall be revoked if
1124 evidence is found that the certification was improperly issued
1125 by the division or if evidence is found that the certification
1126 was issued on the basis of false, incorrect, incomplete, or
1127 misleading information.

1128 (2) The certification of a firefighter who has been
1129 adjudicated guilty of, or pled guilty or nolo contendere to, any
1130 felony, or any misdemeanor involving moral turpitude, or
1131 misleading or false statements relating to the certification or

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1132 employment as a firefighter, shall be revoked. In the case of a
1133 felony, the certification may not be reinstated ~~is convicted of~~
1134 ~~a felony, or who is convicted of a misdemeanor relating to~~
1135 ~~misleading or false statements, or who pleads nolo contendere to~~
1136 ~~any charge of a felony shall be revoked~~ until the firefighter
1137 complies with s. 112.011(2) (b). However, if sentence upon such
1138 felony or such misdemeanor charge is suspended or adjudication
1139 is withheld, the firefighter's revocation of certification shall
1140 continue for a period of 4 years after expiration of completion
1141 of any probation before the applicant is eligible for
1142 recertification ~~be revoked until she or he completes any~~
1143 ~~probation.~~

1144 (3) It is a violation of certification for any career
1145 firefighter as defined in this chapter, whose initial employment
1146 date is on or after July 1, 2008, to use tobacco products. An
1147 investigation by the local firefighter employer which determines
1148 such use, confirmed by legal means such as nicotine or cotinine
1149 testing, shall result in the suspension of the firefighter's
1150 state certification, requiring suspension or termination of
1151 employment. The division shall adopt rules setting forth the
1152 criteria for testing, investigation, and notification of the
1153 division by the local firefighter employer of violations,
1154 actions to be taken by the division, reinstatement of
1155 certification with appropriate medical approval and
1156 surveillance, and the number of violations allowed before
1157 permanent revocation of firefighter certification.

1158 Section 22. Section 633.352, Florida Statutes, is amended
1159 to read:

1160 633.352 Retention of firefighter certification.-

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1161 (1) Any certified firefighter who has not been active as a
 1162 firefighter, or as a volunteer firefighter with an organized
 1163 fire department, for a period of 3 years shall be required to
 1164 retake and pass the written and practical portions ~~portion~~ of
 1165 the ~~minimum standards state~~ examination specified in division
 1166 rules rule 4A-37.056(6)(b), ~~Florida Administrative Code~~, in
 1167 order to maintain her or his certification as a firefighter. ~~;~~
 1168 ~~however,~~

1169 (2) This requirement does not apply to state-certified
 1170 firefighters who are certified and employed as full-time fire
 1171 safety inspectors by a fire department employing agency or to
 1172 instructors regardless of their employment status ~~instructors,~~
 1173 ~~as determined by the division.~~

1174 (3) The 3-year period begins on the date the firefighter I
 1175 or firefighter II certificate of compliance is issued, ~~or~~ upon
 1176 termination of service with an organized fire department, or
 1177 upon expiration of instructor certification.

1178 Section 23. Paragraph (b) of subsection (1) and paragraph
 1179 (a) of subsection (2) of section 633.382, Florida Statutes, are
 1180 amended to read:

1181 633.382 Firefighters; supplemental compensation.—

1182 (1) DEFINITIONS.—As used in this section, the term:

1183 (b) "Firefighter" means any person who meets the definition
 1184 ~~of the term "firefighter" in s. 633.30 s. 633.30(1) who is~~
 1185 ~~certified in compliance with s. 633.35 and who is employed~~
 1186 solely within the fire department of the employing agency or is
 1187 employed by the division.

1188 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—

1189 (a) In addition to the compensation now paid by an

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1190 employing agency to ~~a any~~ firefighter II, every career
1191 firefighter shall be paid supplemental compensation by the
1192 employing agency when such firefighter has complied with one of
1193 the following criteria:

1194 1. Any firefighter II who receives an associate degree from
1195 an accredited ~~a~~ college, which degree is applicable to fire
1196 department duties, as outlined in policy guidelines of the
1197 division, shall be additionally compensated as outlined in
1198 paragraph (3) (a).

1199 2. Any firefighter II, regardless of whether or not she or
1200 he earned an associate degree earlier, who receives from an
1201 accredited college or university a bachelor's degree, which
1202 bachelor's degree is applicable to fire department duties, as
1203 outlined in policy guidelines of the division, shall receive
1204 compensation as outlined in paragraph (3) (b).

1205 Section 24. Subsection (3) is added to section 633.524,
1206 Florida Statutes, to read:

1207 633.524 Certificate and permit fees; use and deposit of
1208 collected funds.—

1209 (3) The State Fire Marshal may enter into a contract with
1210 any qualified public entity or private company in accordance
1211 with chapter 287 to provide examinations for any applicant for
1212 any examination administered under the jurisdiction of the State
1213 Fire Marshal under this chapter or any other chapter under the
1214 jurisdiction of the State Fire Marshal. The State Fire Marshal
1215 may have payments from each applicant for each examination made
1216 directly to such public entity or private company.

1217 Section 25. Subsections (1) and (4) of section 633.541,
1218 Florida Statutes, are amended to read:

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1219 633.541 Contracting without certificate prohibited;
1220 violations; penalty.—

1221 (1) It is unlawful for any organization or individual to
1222 engage in the business of, the layout, fabrication,
1223 installation, inspection, alteration, repair, or service of a
1224 fire protection system, other than a preengineered system, act
1225 in the capacity of a fire protection contractor, or advertise
1226 itself as being a fire protection contractor without having been
1227 duly certified and holding a valid and existing certificate,
1228 except as hereinafter provided. The holder of a certificate used
1229 to qualify an organization must be a full-time employee of the
1230 qualified organization or business. A certificateholder who is
1231 employed by more than one fire protection contractor during the
1232 same period of time is deemed not to be a full-time employee of
1233 either contractor. The State Fire Marshal shall revoke, for a
1234 period of time determined by the State Fire Marshal, the
1235 certificate of a certificateholder who allows the use of the
1236 certificate to qualify a company of which the certificateholder
1237 is not a full-time employee. A contractor who maintains more
1238 than one place of business must employ a certificateholder at
1239 each location. ~~Nothing in~~ This subsection does not prohibit
1240 ~~prohibits~~ an employee acting on behalf of governmental entities
1241 from inspecting and enforcing firesafety codes, provided such
1242 employee is certified under s. 633.081, or an owner of a one or
1243 two family dwelling from inspecting or maintaining the fire
1244 protection system for his or her own house.

1245 (4) In addition to the penalties provided in subsection
1246 (3), a fire protection contractor certified under this chapter
1247 who violates any provision of this chapter ~~section~~ or who

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1248 commits any act constituting cause for disciplinary action is
1249 subject to suspension or revocation of the certificate and
1250 administrative fines pursuant to s. 633.547.

1251 Section 26. Subsection (4) of section 633.72, Florida
1252 Statutes, is amended to read:

1253 633.72 Florida Fire Code Advisory Council.—

1254 (4) Each appointee shall serve a 4-year term. No member
1255 shall serve more than two consecutive terms ~~one term~~. No member
1256 of the council shall be paid a salary as such member, but each
1257 shall receive travel and expense reimbursement as provided in s.
1258 112.061.

1259 Section 27. Section 633.811, Florida Statutes, is amended
1260 to read:

1261 633.811 Firefighter employer penalties.—If any firefighter
1262 employer violates or fails or refuses to comply with ss.

1263 633.801-633.821, or with any rule adopted by the division under
1264 such sections in accordance with chapter 120 for the prevention
1265 of injuries, accidents, or occupational diseases or with any
1266 lawful order of the division in connection with ss. 633.801-
1267 633.821, or fails or refuses to furnish or adopt any safety
1268 device, safeguard, or other means of protection prescribed by
1269 division rule under ss. 633.801-633.821 for the prevention of
1270 accidents or occupational diseases, the division may issue an
1271 administrative cease and desist order, enforceable in the
1272 circuit court in the jurisdiction where the violation is
1273 occurring or has occurred, and assess an administrative fine
1274 against a firefighter employer of not less than \$100 but not
1275 more than \$1,000 for each violation and each day of each
1276 violation. The administrative penalty assessment shall be

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1277 subject to the provisions of chapter 120. The division may also
1278 assess against the firefighter employer a civil penalty of not
1279 less than \$100 nor more than \$5,000 for each day the violation,
1280 omission, failure, or refusal continues after the firefighter
1281 employer has been given written notice of such violation,
1282 omission, failure, or refusal. The total penalty for each
1283 violation shall not exceed \$50,000. The division shall adopt
1284 rules requiring penalties commensurate with the frequency or
1285 severity of safety violations. A hearing shall be held in the
1286 county in which the violation, omission, failure, or refusal is
1287 alleged to have occurred, unless otherwise agreed to by the
1288 firefighter employer and authorized by the division. All
1289 penalties assessed and collected under this section shall be
1290 deposited in the Insurance Regulatory Trust Fund.

1291 Section 28. Subsection (3) of section 633.821, Florida
1292 Statutes, is amended to read:

1293 633.821 Workplace safety.—

1294 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
1295 individuals located outside the immediately dangerous to life
1296 and health atmosphere may be assigned to an additional role,
1297 such as incident commander, pumper operator, engineer, or
1298 driver, so long as such individual is able to immediately
1299 perform assistance or rescue activities without jeopardizing the
1300 safety or health of any firefighter working at an incident. ~~Also~~
1301 ~~with respect to 29 C.F.R. s. 1910.134(g)(4):~~

1302 ~~(a) Each county, municipality, and special district shall~~
1303 ~~implement such provision by April 1, 2002, except as provided in~~
1304 ~~paragraphs (b) and (c).~~

1305 ~~(b) If any county, municipality, or special district is~~

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1306 ~~unable to implement such provision by April 1, 2002, without~~
1307 ~~adding additional personnel to its firefighting staff or~~
1308 ~~expending significant additional funds, such county,~~
1309 ~~municipality, or special district shall have an additional 6~~
1310 ~~months within which to implement such provision. Such county,~~
1311 ~~municipality, or special district shall notify the division that~~
1312 ~~the 6-month extension to implement such provision is in effect~~
1313 ~~in such county, municipality, or special district within 30 days~~
1314 ~~after its decision to extend the time for the additional 6~~
1315 ~~months. The decision to extend the time for implementation shall~~
1316 ~~be made prior to April 1, 2002.~~

1317 ~~(c) If, after the extension granted in paragraph (b), the~~
1318 ~~county, municipality, or special district, after having worked~~
1319 ~~with and cooperated fully with the division and the Firefighters~~
1320 ~~Employment, Standards, and Training Council, is still unable to~~
1321 ~~implement such provisions without adding additional personnel to~~
1322 ~~its firefighting staff or expending significant additional~~
1323 ~~funds, such municipality, county, or special district shall be~~
1324 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
1325 ~~However, each year thereafter the division shall review each~~
1326 ~~such county, municipality, or special district to determine if~~
1327 ~~such county, municipality, or special district has the ability~~
1328 ~~to implement such provision without adding additional personnel~~
1329 ~~to its firefighting staff or expending significant additional~~
1330 ~~funds. If the division determines that any county, municipality,~~
1331 ~~or special district has the ability to implement such provision~~
1332 ~~without adding additional personnel to its firefighting staff or~~
1333 ~~expending significant additional funds, the division shall~~
1334 ~~require such county, municipality, or special district to~~

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1335 ~~implement such provision. Such requirement by the division under~~
1336 ~~this paragraph constitutes final agency action subject to~~
1337 ~~chapter 120.~~

1338 Section 29. Subsection (8) of section 1013.12, Florida
1339 Statutes, is repealed.

1340 Section 30. This act shall take effect July 1, 2009.