

By the Committee on Banking and Insurance; and Senators Aronberg and Baker

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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.; 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5 amending s. 553.895, F.S.; revising outdated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
28 such fee; providing for payments of such fees;
29 requiring that the department adopt a form for a

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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;
57 requiring that the Division of State Fire Marshal
58 enter into a reciprocity agreement with the Florida

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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
86 providing definitions; amending s. 633.34, F.S.;
87 revising requirements for qualification for employment

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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
115 division to enforce provisions of law and rules
116 applicable to employers; authorizing assessment of

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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
144 than November 1. The portion of revenue sharing funds which,
145 pursuant to this part, would otherwise be distributed to a unit

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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
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

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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
202 Fire Marshal shall appoint such agents as may be necessary to
203 carry out effectively the provisions of this chapter, who shall

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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 dwelling 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
231 sprinkler systems, water spray systems, foam-water sprinkler
232 systems, foam-water spray systems, CO2 systems, foam

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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
260 published in the Florida Administrative Weekly; and

261 2. A final decision shall be issued by the department

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

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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
318 Prevention Code. ~~The Division of State Fire Marshal shall~~
319 ~~immediately implement the process prior to the completion of~~

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

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

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

406 Section 9. Section 633.03, Florida Statutes, is amended to

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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
434 the application for restoration is not made before the March
435 31st deadline, the fee for restoration shall be equal to the

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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
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

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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
492 licenses, and \$100,000 for Class C licenses; and the total
493 coverage for any class of license held in conjunction with a

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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.

521 6. The applicant has passed, with a grade of at least 70
522 percent, a written examination testing his or her knowledge of

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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
550 organization or a governmental entity seeking initial licensure
551 or renewal of an existing license solely for the purpose of

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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).

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

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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
608 application, pay the application and examination fees, and
609 successfully complete a prescribed training course offered by

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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
637 authority, may exist, inspect any and all buildings and
638 structures which are subject to the requirements of this chapter

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

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- 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.
- 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

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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
724 firesafety inspection required by law on or after July 1, 2011.

725 ~~Each special state firesafety inspection which is required by~~

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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
753 following grounds exist:

754 (a) Any cause for which issuance of a certificate could

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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
782 who is not an immediate family member of the certificateholder.
783 For the purpose of this paragraph, the term "immediate family

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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
811 dwellings, in this state shall be inspected following procedures
812 established in the nationally recognized inspection, testing,

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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:

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

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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.

869 (a) For all new construction or renovation, alteration, or
870 change of occupancy of state-leased space, compliance with the

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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.

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

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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
927 or meet the temporary employment or appointment exemption
928 requirements of s. 943.131 until certified in order to execute

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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~~:

956 (a) Except as set forth in paragraph (b), a violation of
957 any provision of this chapter, of any rule adopted pursuant

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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.—

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

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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
1014 company.

1015 (d) Material relating to the investigation of the loss,

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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,
1043 or agency personnel may discuss such matters with other
1044 official, departmental, or agency personnel, and any insurance

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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
1072 designated by the State Fire Marshal for such purposes, may hold
1073 hearings, sign and issue subpoenas, administer oaths, examine

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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~~
1101 ~~professional firefighter by any employing agency, as defined~~
1102 ~~herein, whose primary responsibility is the prevention and~~

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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
1130 components of firefighter I and II certification in accordance
1131 with the division's rules. Before the age of 18, a fire service

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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
1159 become certified as a firefighter II.

1160 (11) "Fireground resource technician" means a volunteer

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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
1188 shall be excluded from employment for a period of 4 years after
1189 expiration of sentence. If the sentence is suspended or

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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.~~

1217 (e)(6) Be a nonuser of tobacco or tobacco products for at
1218 least 1 year immediately preceding application for employment or

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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
1246 technician, a fire service apprentice, a firefighter I, and a
1247 firefighter II to any person who has satisfactorily completed

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

1276 (3) The division may issue a certificate of compliance at

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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
1304 hours. The division shall issue to any person satisfactorily
1305 complying with this training program and who has successfully

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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~~
1333 ~~felony, or who is convicted of a misdemeanor relating to~~
1334 ~~misleading or false statements, or who pleads nolo contendere to~~

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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~~ of
1347 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
1362 amended to read:

1363 633.382 Firefighters; supplemental compensation.-

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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
1391 issuance; examination and investigation of applicant.—

1392 (2)

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

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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.~~

1449 (f) Upon successful completion of a training program
1450 acceptable to the State Fire Marshal of not less than 40 contact

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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
1478 Technologies (NICET), Sub-field of Inspection and Testing of
1479 Fire Protection Systems Level II or equivalent training and

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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
1507 provisional certification, the employee must have achieved NICET
1508 Level II certification, or obtain equivalent training and

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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
 1536 Protection Systems Level II, equivalent training and education
 1537 as determined by the division, or higher certification plus 8

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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
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

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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
1594 to read:

1595 633.811 Firefighter employer penalties.—If any firefighter

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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 finest
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
1623 the Insurance Regulatory Trust Fund.

1624 Section 34. Subsection (3) of section 633.821, Florida

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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~~
1652 ~~with and cooperated fully with the division and the Firefighters~~
1653 ~~Employment, Standards, and Training Council, is still unable to~~

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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.