

1 A bill to be entitled
2 An act relating to fire prevention and control; amending
3 ss. 218.23 and 447.203, F.S.; revising cross-references;
4 amending s. 553.895, F.S.; revising outdated publication
5 references; amending s. 633.02, F.S.; providing the
6 correct name for the State Fire Marshal; amending s.
7 633.021, F.S.; revising definitions; amending s. 633.025,
8 F.S.; providing requirements for firesafety plans and
9 inspections for manufactured buildings; amending s.
10 633.026, F.S.; providing legislative intent; revising
11 requirements for interpretations of the Florida Fire
12 Prevention Code; providing for nonbinding and binding
13 interpretations; requiring the Division of State Fire
14 Marshal to establish a Fire Code Interpretation Committee;
15 providing requirements for committee membership; providing
16 procedures and requirements for code interpretations by
17 the committee; providing for code interpretations by the
18 department; providing requirements and procedures for
19 petitions for interpretations; providing requirements for
20 committee proceedings; exempting certain local decisions
21 not subject to review under the section; amending s.
22 633.03, F.S.; expanding application of authority of the
23 State Fire Marshal to investigate fires to include
24 explosions; amending s. 633.061, F.S.; revising the type
25 of fire suppression equipment in which a person must be
26 licensed in order to engage in the business of servicing,
27 inspecting, recharging, hydrotesting, or installing;
28 revising the requirements for the renewal of a license to

29 engage in the business of servicing, inspecting,
30 recharging, hydrotesting, or installing fire suppression
31 equipment; amending s. 633.071, F.S.; authorizing the
32 State Fire Marshal to adopt standards for the attachment
33 and placement of fire protection system inspection tags;
34 amending s. 633.081, F.S.; authorizing the State Fire
35 Marshal to inspect buildings or structures for certain
36 violations; abolishing special state firesafety inspector
37 classifications; providing for certification as a
38 firesafety inspector; providing application and
39 examination requirements; authorizing the State Fire
40 Marshal to develop a certain advanced training and
41 certification program for firesafety inspectors;
42 authorizing the Division of State Fire Marshal to enter
43 into a reciprocity agreement with the Florida Building
44 Code Administrators and Inspectors Board for certain
45 continuing education recertification purposes; amending s.
46 633.082, F.S.; providing requirements for servicing,
47 testing, repair, and inspection of alarm systems, certain
48 fire hydrants, and certain fire protection systems and
49 associated private fire hydrants; providing for
50 replacement of certain fire sprinklers under certain
51 circumstances; amending s. 633.085, F.S.; revising
52 requirements for the State Fire Marshal to inspect state
53 buildings; amending s. 633.101, F.S.; revising and
54 expanding the authority and powers of the State Fire
55 Marshal to administer oaths, compel attendance of
56 witnesses, and collect evidence; providing certain forms

57 | of immunity from liability for certain actions and persons
58 | under certain circumstances; exempting certain information
59 | from discovery under certain circumstances; exempting
60 | agents of the State Fire Marshal from subpoena under
61 | certain circumstances; specifying limitations on treatment
62 | of physical evidence; authorizing persons and agents of
63 | the State Fire Marshal to submit certain crime-related
64 | reports or information to the State Fire Marshal;
65 | authorizing agents of the State Fire Marshal to make
66 | arrests as state law enforcement officers under certain
67 | circumstances; providing that it is unlawful to resist
68 | arrest; amending s. 633.121, F.S.; expanding the list of
69 | eligible persons authorized to enforce laws and rules of
70 | the State Fire Marshal; amending s. 633.13, F.S.; revising
71 | a provision relating to the authority of agents of the
72 | State Fire Marshal; amending s. 633.14, F.S.; revising and
73 | expanding powers regarding arrests, searches, and the
74 | carrying of firearms by State Fire Marshal agents and
75 | investigators; amending s. 633.161, F.S.; expanding the
76 | list of violations for which the State Fire Marshal may
77 | issue certain enforcement orders; providing criminal
78 | penalties for failure to comply with such orders; amending
79 | s. 633.171, F.S.; conforming a provision; amending s.
80 | 633.175, F.S.; specifying additional powers granted to the
81 | State Fire Marshal; amending s. 633.18, F.S.; revising a
82 | provision relating to conduct of inquiries or
83 | investigations by agents of the State Fire Marshal;
84 | amending s. 633.30, F.S.; revising and providing

85 definitions; amending s. 633.34, F.S.; revising
86 requirements for qualification for employment as a
87 firefighter; amending s. 633.35, F.S.; revising
88 requirements for firefighter training and certification;
89 amending s. 633.351, F.S.; revising provisions for
90 disciplinary actions for firefighters; revising standards
91 for revocation of firefighter certifications; amending s.
92 633.352, F.S.; revising requirements for retention of
93 firefighter certification; amending s. 633.382, F.S.;
94 revising provisions relating to required supplemental
95 compensation for firefighters; amending s. 633.521, F.S.;
96 revising examination applicant prerequisites; deleting an
97 obsolete provision; revising certain fire system
98 inspection certification training and education criteria;
99 amending s. 633.524, F.S.; authorizing the State Fire
100 Marshal to contract to provide certain examinations;
101 amending s. 633.537, F.S.; revising certain fire system
102 inspection certification training and education criteria;
103 deleting obsolete provisions; amending s. 633.541, F.S.;
104 expanding an exclusion from application of a prohibition
105 against contracting without certification for certain
106 homeowners; amending s. 633.72, F.S.; revising the
107 membership terms of the Fire Code Advisory Council;
108 amending s. 633.811, F.S.; expanding authority of the
109 division to enforce provisions of law and rules applicable
110 to employers; authorizing assessment of administrative
111 fines; amending s. 633.821, F.S.; deleting certain
112 obsolete provisions requiring counties, municipalities,

113 and special districts to implement certain provisions of
 114 federal law; providing an effective date.
 115

116 Be It Enacted by the Legislature of the State of Florida:
 117

118 Section 1. Paragraph (e) of subsection (1) of section
 119 218.23, Florida Statutes, is amended to read:

120 218.23 Revenue sharing with units of local government.--

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

124 (e) Certified that persons in its employ as firefighters,
 125 as defined in s. 633.30~~(1)~~, meet the qualification for
 126 employment as established by the Division of State Fire Marshal
 127 pursuant to the provisions of ss. 633.34 and 633.35 and that the
 128 provisions of s. 633.382 have been met.
 129

130 Additionally, to receive its share of revenue sharing funds, a
 131 unit of local government shall certify to the Department of
 132 Revenue that the requirements of s. 200.065, if applicable, were
 133 met. The certification shall be made annually within 30 days of
 134 adoption of an ordinance or resolution establishing a final
 135 property tax levy or, if no property tax is levied, not later
 136 than November 1. The portion of revenue sharing funds which,
 137 pursuant to this part, would otherwise be distributed to a unit
 138 of local government which has not certified compliance or has
 139 otherwise failed to meet the requirements of s. 200.065 shall be
 140 deposited in the General Revenue Fund for the 12 months

141 following a determination of noncompliance by the department.

142 Section 2. Paragraph (b) of subsection (4) of section
 143 447.203, Florida Statutes, is amended to read:

144 447.203 Definitions.--As used in this part:

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

146 (b) Serve as police chiefs, fire chiefs, or directors of
 147 public safety of any police, fire, or public safety department.

148 Other police officers, as defined in s. 943.10(1), and
 149 firefighters, as defined in s. 633.30~~(1)~~, may be determined by
 150 the commission to be managerial employees of such departments.

151 In making such determinations, the commission shall consider, in
 152 addition to the criteria established in paragraph (a), the
 153 paramilitary organizational structure of the department
 154 involved.

155
 156 However, in determining whether an individual is a managerial
 157 employee pursuant to either paragraph (a) or paragraph (b),
 158 above, the commission may consider historic relationships of the
 159 employee to the public employer and to coemployees.

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

162 553.895 Firesafety.--

163 (1) Any transient public lodging establishment, as defined
 164 in chapter 509 and used primarily for transient occupancy as
 165 defined in s. 83.43(10), or any timeshare unit of a timeshare
 166 plan as defined in chapters 718 and 721, which is of three
 167 stories or more and for which the construction contract has been
 168 let after September 30, 1983, with interior corridors which do

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

191 Section 4. Section 633.02, Florida Statutes, is amended to
 192 read:

193 633.02 Agents; powers and duties; compensation.--The State
 194 Fire Marshal shall appoint such agents as may be necessary to
 195 carry out effectively the provisions of this chapter, who shall
 196 be reimbursed for travel expenses as provided in s. 112.061, in

197 addition to their salary, when traveling or making
 198 investigations in the performance of their duties. Such agents
 199 shall be at all times under the direction and control of the
 200 State Fire Marshal, who shall fix their compensation, and all
 201 orders shall be issued in the State Fire Marshal's name and by
 202 her or his authority.

203 Section 5. Paragraph (d) of subsection (5) and subsection
 204 (9) of section 633.021, Florida Statutes, are amended to read:

205 633.021 Definitions.--As used in this chapter:

206 (5)

207 (d) "Contractor IV" means a contractor whose business is
 208 limited to the execution of contracts requiring the ability to
 209 lay out, fabricate, install, inspect, alter, repair, and service
 210 automatic fire sprinkler systems for occupancies protected
 211 within the scope of NFPA 13D, the "Standard for the Installation
 212 of Sprinkler Systems in One- and Two-Family Dwellings and
 213 Manufactured Homes," ~~detached one-family dwellings, detached~~
 214 ~~two-family dwellings, and mobile homes,~~ excluding preengineered
 215 systems and excluding single-family homes in cluster units, such
 216 as apartments, condominiums, and assisted living facilities or
 217 any building that is connected to other dwellings.

218
 219 The definitions in this subsection must not be construed to
 220 include fire protection engineers or architects and do not limit
 221 or prohibit a licensed fire protection engineer or architect
 222 from designing any type of fire protection system. A distinction
 223 is made between system design concepts prepared by the design
 224 professional and system layout as defined in this section and

225 typically prepared by the contractor. However, persons certified
226 as a Contractor I, Contractor II, or Contractor IV under this
227 chapter may design fire protection systems of 49 or fewer
228 sprinklers, and may design the alteration of an existing fire
229 sprinkler system if the alteration consists of the relocation,
230 addition, or deletion of not more than 49 sprinklers,
231 notwithstanding the size of the existing fire sprinkler system.
232 A Contractor I, Contractor II, or Contractor IV may design a
233 fire protection system the scope of which complies with NFPA
234 13D, Standard for the Installation of Sprinkler Systems in One-
235 and Two-Family Dwellings and Manufactured Homes, as adopted by
236 the State Fire Marshal, notwithstanding the number of fire
237 sprinklers. Contractor-developed plans may not be required by
238 any local permitting authority to be sealed by a registered
239 professional engineer.

240 (9) A "fire protection system" is a system individually
241 designed to protect the interior or exterior of a specific
242 building or buildings, structure, or other special hazard from
243 fire. Such systems include, but are not limited to, water
244 sprinkler systems, water spray systems, foam-water sprinkler
245 systems, foam-water spray systems, CO₂ systems, foam
246 extinguishing systems, dry chemical systems, and Halon and other
247 chemical systems used for fire protection use. Such systems also
248 include any overhead and underground fire mains, fire hydrants
249 and hydrant mains, standpipes and hoses connected to sprinkler
250 systems, sprinkler tank heaters, air lines, thermal systems used
251 in connection with fire sprinkler systems, and tanks and pumps
252 connected to fire sprinkler systems.

253 Section 6. Subsection (11) is added to section 633.025,
 254 Florida Statutes, to read:

255 633.025 Minimum firesafety standards.--

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

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

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

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

272 Section 7. Section 633.026, Florida Statutes, is amended
 273 to read:

274 633.026 ~~Informal~~ Interpretations of the Florida Fire
 275 Prevention Code.--

276 (1) It is the intent of the Legislature that the Florida
 277 Fire Prevention Code be interpreted by fire officials and local
 278 enforcement agencies in a manner that protects the public
 279 safety, health, and welfare by ensuring uniform interpretations
 280 of the Florida Fire Prevention Code throughout the state and by

281 providing processes for resolving disputes regarding those
 282 interpretations that are just and expeditious. It is the intent
 283 of the Legislature that the process provide for the expeditious
 284 resolution of the issues presented and publication of the
 285 resulting interpretation on the website of the Division of State
 286 Fire Marshal. It is the intent of the Legislature that this
 287 program be similar to the program established by the Florida
 288 Building Commission in s. 553.775(3)(h).

289 (2)(a) The Division of State Fire Marshal shall by rule
 290 establish a ~~an informal~~ process of rendering nonbinding
 291 interpretations and binding interpretations of the Florida Fire
 292 Prevention Code. The Division of State Fire Marshal may contract
 293 with and refer interpretive issues to a nonprofit organization
 294 that has experience in interpreting and enforcing the Florida
 295 Fire Prevention Code. ~~The Division of State Fire Marshal shall~~
 296 ~~immediately implement the process prior to the completion of~~
 297 ~~formal rulemaking.~~ It is the intent of the Legislature that the
 298 Division of State Fire Marshal establish ~~create~~ a Fire Code
 299 Interpretation Committee composed of seven persons and seven
 300 alternates equally representing each area of the state ~~process~~
 301 ~~to refer questions to a small group of individuals certified~~
 302 ~~under s. 633.081(2),~~ to which a party can pose questions
 303 regarding the interpretation of ~~code~~ provisions of the Florida
 304 Fire Prevention Code.

305 (b) Each of the designated seven members and seven
 306 alternates of the Fire Code Interpretation Committee must be
 307 certified as a fire safety inspector pursuant to the provisions
 308 of s. 633.081(2), and must have a minimum of 5 years' experience

309 interpreting and enforcing provisions of the Florida Fire
 310 Prevention Code and Life Safety Codes. Each member must be
 311 accepted by the Division of State Fire Marshal as meeting these
 312 requirements at least 30 days before participating in a review
 313 of a nonbinding or binding interpretation.

314 (c) Each nonbinding interpretation of code must be
 315 provided within 10 business days after receipt of a petition for
 316 interpretation, and each binding interpretation of code must be
 317 provided within 21 days after receipt of a petition for
 318 interpretation. The time periods set forth in this paragraph may
 319 be waived only upon the written consent of both parties. ~~It is~~
 320 ~~the intent of the Legislature that the process provide for the~~
 321 ~~expeditious resolution of the issues presented and publication~~
 322 ~~of the resulting interpretation on the website of the Division~~
 323 ~~of State Fire Marshal. It is the intent of the Legislature that~~
 324 ~~this program be similar to the program established by the~~
 325 ~~Florida Building Commission in s. 553.775(3)(g).~~

326 (d)1. ~~Such~~ Nonbinding interpretations are ~~shall be~~
 327 advisory only and not binding ~~nonbinding~~ on the parties or the
 328 State Fire Marshal.

329 2. Binding interpretations are binding on the local fire
 330 official and the owner or contractor named in the petition being
 331 interpreted unless such interpretation is superseded by a
 332 declaratory statement issued by the State Fire Marshal.

333 (3) In order to administer this section, the department
 334 shall charge ~~may adopt by rule and impose~~ a fee of \$150 for
 335 nonbinding interpretations and a fee of \$250 for binding
 336 interpretations. The department may permit the fees to be paid

HB 693

2009

337 directly to the nonprofit organization selected in accordance
338 with subsection (2), with payment made directly to the third
339 party. The fee may not exceed \$150 for each request for a review
340 or interpretation.

341 (4) Any party to the interpretation who is in disagreement
342 with the nonbinding interpretation or the binding interpretation
343 issued in accordance with this section may apply for a formal
344 interpretation from the department as provided in s. 633.01(6).

345 (5) Upon written application by an owner, contractor, or
346 fire official, the department shall issue or cause to be issued
347 a nonbinding interpretation or a binding interpretation of the
348 Florida Fire Prevention Code as prescribed in this subsection.

349 (a) The department shall adopt a form for the petition,
350 which shall be published on the State Fire Marshal's web site.
351 The form shall require, at a minimum:

352 1. The name and address of the local fire official,
353 including the agency address of the county, municipality, or
354 special district.

355 2. The name and address of the owner, the name and agency
356 address of the contractor, and the name and address of any
357 representative of the owner or contractor.

358 3. A statement of the specific sections of the Florida
359 Fire Prevention Code which are being interpreted by the local
360 fire official.

361 4. An explanation of how the petitioner's substantial
362 interests are being affected by the local interpretation of the
363 Florida Fire Prevention Code.

364 5. A statement of the interpretation given to the specific

365 sections of the Florida Fire Prevention Code by the local fire
366 official.

367 6. A statement of the interpretation the petitioner
368 contends should be given to the specific sections of the Florida
369 Fire Prevention Code and a statement supporting the petitioner's
370 interpretation.

371 7. A statement from the local fire official with an
372 explanation of the disputed provisions included in the petition.

373 (b) The petitioner shall submit the petition to the local
374 fire official, who shall place the date of receipt on the
375 petition. The local fire official shall respond to the petition
376 in accordance with the form and shall return the petition
377 together with his or her response to the petitioner within 5
378 business days. The petitioner may file the petition with the
379 department at any time after the local fire official provides a
380 response. If no response is provided by the local fire official,
381 the petitioner may file the petition with the department 10 days
382 after submission of the petition to the local fire official and
383 shall note that the local fire official did not respond.

384 (6) Upon receipt of a petition that meets the requirements
385 of paragraph (5)(a), the department shall immediately provide
386 copies of the petition to the Fire Code Interpretation Committee
387 and publish the petition and any response submitted by the local
388 fire official on the State Fire Marshal's web site.

389 (7) The Fire Code Interpretation Committee shall conduct
390 proceedings as necessary to resolve the issues and shall give
391 due regard to the petition, the facts of the matter, specific
392 code sections cited, and any statutory implications affecting

HB 693

2009

393 the Florida Fire Prevention Code. The committee shall issue an
394 interpretation regarding the provisions of the Florida Fire
395 Prevention Code within 10 days after the filing of a petition
396 for a nonbinding interpretation and within 21 days after the
397 filing of a petition for a binding interpretation. The committee
398 shall render a determination based upon the Florida Fire
399 Prevention Code or, if the code is ambiguous, the intent of the
400 code. The committee's interpretation shall be provided to the
401 owner, contractor, and fire official and the interpretation
402 shall include a notice that if the owner, contractor, or fire
403 official disagrees with the interpretation, the owner,
404 contractor, or fire official may file for a formal
405 interpretation by the department under s. 633.01(6). The
406 committee's interpretation shall be provided to the department,
407 which shall publish the interpretation on the State Fire
408 Marshal's web site and in the Florida Administrative Weekly.

409 (8) Local decisions declaring structures to be unsafe and
410 subject to repair or demolition are not subject to review under
411 this section and may not be appealed to the department if the
412 local governing body finds that there is an immediate danger to
413 the health and safety of the public.

414 Section 8. Section 633.03, Florida Statutes, is amended to
415 read:

416 633.03 Investigation of fires and explosions ~~fire~~;
417 reports.--The State Fire Marshal shall investigate the cause,
418 origin, and circumstances of every fire or explosion occurring
419 in this state wherein the State Fire Marshal deems an
420 investigation is necessary and ~~property has been damaged or~~

HB 693

2009

421 ~~destroyed~~ where there is probable cause to believe that the fire
422 or explosion was the result of carelessness or design. Report of
423 all such investigations shall be made on approved forms to be
424 furnished by the State Fire Marshal.

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

428 633.061 Fire suppression equipment; license to install or
429 maintain.--

430 (1) It is unlawful for any organization or individual to
431 engage in the business of servicing, repairing, recharging,
432 testing, marking, inspecting, installing, or hydrotesting any
433 fire extinguisher or preengineered system in this state except
434 in conformity with the provisions of this chapter. Each
435 organization or individual that engages in such activity must
436 possess a valid and subsisting license issued by the State Fire
437 Marshal. All fire extinguishers and preengineered systems
438 required by statute or by rule must be serviced by an
439 organization or individual licensed under the provisions of this
440 chapter. A licensee who receives appropriate training shall not
441 be prohibited by a manufacturer from servicing any particular
442 brand of fire extinguisher or preengineered system. The licensee
443 is legally qualified to act for the business organization in all
444 matters connected with its business, and the licensee must
445 supervise all activities undertaken by such business
446 organization. Each licensee shall maintain a specific business
447 location. A further requirement, in the case of multiple
448 locations where such servicing or recharging is taking place, is

449 that each licensee who maintains more than one place of business
 450 where actual work is carried on must possess an additional
 451 license, as set forth in this section, for each location, except
 452 that a licensed individual may not qualify for more than five
 453 locations. A licensee is limited to a specific type of work
 454 performed depending upon the class of license held. Licenses and
 455 license fees are required for the following:

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

457 To service, recharge, repair, install, or inspect all types of
 458 fire extinguishers and to conduct hydrostatic tests on all types
 459 of fire extinguishers.

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

461 To service, recharge, repair, install, or inspect all types of
 462 fire extinguishers, including recharging carbon dioxide units
 463 and conducting hydrostatic tests on all types of fire
 464 extinguishers, except carbon dioxide units.

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

466 To service, recharge, repair, install, or inspect all types of
 467 fire extinguishers, except recharging carbon dioxide units, and
 468 to conduct hydrostatic tests on all types of fire extinguishers,
 469 except carbon dioxide units.

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

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

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

475

476 Any fire equipment dealer licensed pursuant to this subsection

477 who does not want to engage in the business of servicing,
478 inspecting, recharging, repairing, hydrotesting, or installing
479 clean agent ~~halon~~ equipment must file an affidavit on a form
480 provided by the division so stating. Licenses will be issued by
481 the division to reflect the work authorized thereunder. It is
482 unlawful, unlicensed activity for any person or firm to falsely
483 hold himself or herself or a business organization out to
484 perform any service, inspection, recharge, repair, hydrotest, or
485 installation except as specifically described in the license.

486 (2) Each individual actually performing the work of
487 servicing, recharging, repairing, hydrotesting, installing,
488 testing, or inspecting fire extinguishers or preengineered
489 systems must possess a valid and subsisting permit issued by the
490 State Fire Marshal. Permittees are limited as to specific type
491 of work performed to allow work no more extensive than the class
492 of license held by the licensee under whom the permittee is
493 working. Permits will be issued by the division and the fees
494 required are as follows:

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

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

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

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

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

HB 693

2009

505 address....\$10

506

507 Any fire equipment permittee licensed pursuant to this
508 subsection who does not want to engage in servicing, inspecting,
509 recharging, repairing, hydrotesting, or installing clean agent
510 ~~halon~~ equipment must file an affidavit on a form provided by the
511 division so stating. Permits will be issued by the division to
512 reflect the work authorized thereunder. It is unlawful,
513 unlicensed activity for any person or firm to falsely hold
514 himself or herself out to perform any service, inspection,
515 recharge, repair, hydrotest, or installation except as
516 specifically described in the permit.

517 (3) (a) Such licenses and permits shall be issued by the
518 State Fire Marshal for 2 years beginning January 1, 2000, and
519 each 2-year period thereafter and expiring December 31 of the
520 second year. All licenses or permits issued will expire on
521 December 31 of each odd-numbered year. The failure to renew a
522 license or permit by December 31 of the second year will cause
523 the license or permit to become inoperative. The holder of an
524 inoperative license or permit shall not engage in any activities
525 for which a license or permit is required by this section. A
526 license or permit which is inoperative because of the failure to
527 renew it shall be restored upon payment of the applicable fee
528 plus a penalty equal to the applicable fee, if the application
529 for renewal is filed no later than the following March 31. If
530 the application for restoration is not made before the March
531 31st deadline, the fee for restoration shall be equal to the
532 original application fee and the penalty provided for herein,

HB 693

2009

533 and, in addition, the State Fire Marshal shall require
534 reexamination of the applicant. The fee for a license or permit
535 issued for 1 year or less shall be prorated at 50 percent of the
536 applicable fee for a biennial license or permit. Following the
537 initial licensure, each licensee or permittee shall successfully
538 complete a course or courses of continuing education for fire
539 equipment technicians of at least 16 ~~32~~ hours. A license or
540 permit may not be renewed unless the licensee or permittee
541 produces documentation of the completion of at least 16 hours of
542 continuing education for fire equipment technicians during the
543 biennial licensure period ~~within 4 years of initial issuance of~~
544 ~~a license or permit and within each 4-year period thereafter or~~
545 ~~no such license or permit shall be renewed.~~ A person who is both
546 a licensee and a permittee shall be required to complete a total
547 of 16 ~~32~~ hours of continuing education during each renewal ~~per~~
548 ~~4-year~~ period. Each licensee shall ensure that all permittees in
549 his or her employment meet their continuing education
550 requirements. The State Fire Marshal shall adopt rules
551 describing the continuing education requirements and shall have
552 the authority upon reasonable belief, to audit a fire equipment
553 dealer to determine compliance with continuing education
554 requirements.

555 Section 10. Subsection (3) of section 633.071, Florida
556 Statutes, is amended to read:

557 633.071 Standard service tag required on all fire
558 extinguishers and preengineered systems; serial number required
559 on all portable fire extinguishers; standard inspection tags
560 required on all fire protection systems.--

HB 693

2009

561 (3) The State Fire Marshal shall adopt by rule
562 specifications as to the size, shape, color, information, and
563 data contained thereon of inspection tags to be attached to all
564 types of fire protection systems and information required on an
565 inspection report of such an inspection. The State Fire Marshal
566 may adopt by rule standards for the attachment and placement of
567 fire protection system inspection tags.

568 Section 11. Section 633.081, Florida Statutes, is amended
569 to read:

570 633.081 Inspection of buildings and equipment; orders;
571 firesafety inspection training requirements; certification;
572 disciplinary action.--The State Fire Marshal and her or his
573 agents may ~~shall~~, at any reasonable hour, when the department
574 has reasonable cause to believe that a violation of this chapter
575 or s. 509.215, or a rule promulgated thereunder, or a minimum
576 firesafety code adopted by the State Fire Marshal or a local
577 authority, may exist, inspect any and all buildings and
578 structures which are subject to the requirements of this chapter
579 or s. 509.215 and rules promulgated thereunder. The authority to
580 inspect shall extend to all equipment, vehicles, and chemicals
581 which are located on or within the premises of any such building
582 or structure.

583 (1) Each county, municipality, and special district that
584 has firesafety enforcement responsibilities shall employ or
585 contract with a firesafety inspector. The firesafety inspector
586 must conduct all firesafety inspections that are required by
587 law, except as provided by s. 633.082(2)(b). The governing body
588 of a county, municipality, or special district that has

589 firesafety enforcement responsibilities may provide a schedule
590 of fees to pay only the costs of inspections conducted pursuant
591 to this subsection and related administrative expenses. Two or
592 more counties, municipalities, or special districts that have
593 firesafety enforcement responsibilities may jointly employ or
594 contract with a firesafety inspector.

595 (2) Except as provided by s. 633.082(2)(b), every
596 firesafety inspection conducted pursuant to state or local
597 firesafety requirements shall be by a person certified as having
598 met the inspection training requirements set by the State Fire
599 Marshal. Such person shall:

600 (a) Be a high school graduate or the equivalent as
601 determined by the department;

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

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

610 (d) Have good moral character as determined by the
611 department;

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

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

615 (g)1. Have satisfactorily completed, as determined by the
616 department, a firesafety inspector training program of not less

HB 693

2009

617 than 200 hours established by the department and administered by
618 agencies and institutions approved by the department for the
619 purpose of providing basic certification training for firesafety
620 inspectors; or

621 2. Have received in another state training which is
622 determined by the department to be at least equivalent to that
623 required by the department for approved firesafety inspector
624 education and training programs in this state.

625 (3)(a)1. Effective July 1, 2011, the classification of
626 special state firesafety inspector is abolished and all special
627 state firesafety inspector certifications expire at midnight
628 June 30, 2011.

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

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

635 (b)1. Any person who is a special state firesafety
636 inspector on July 1, 2009, and who has at least 5 years of
637 experience as a special state firesafety inspector as of July 1,
638 2009, may take the same firesafety inspection examination as
639 provided in paragraph (2)(f) for firesafety inspectors before
640 July 1, 2011, to be certified as a firesafety inspector
641 described in subsection (2).

642 2. Upon passing the examination, the person shall be
643 certified as a firesafety inspector as provided in subsection
644 (2).

645 3. Failure to obtain certification requires compliance
646 with paragraph (c) to be certified as a firesafety inspector as
647 provided in subsection (2).

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

650 a. Is a special state firesafety inspector on July 1,
651 2009, and who does not have 5 years of experience as a special
652 state firesafety inspector as of July 1, 2009; or

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

656
657 must take an additional 80 hours of the courses described in
658 paragraph (2) (g).

659 2. After successfully completing the courses described in
660 this paragraph, such person is permitted to take the firesafety
661 inspection examination described in paragraph (2) (f), if such
662 examination is taken before July 1, 2011.

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

665 4. A person who fails the course of study or the
666 examination described in this paragraph may not perform any
667 firesafety inspection required by law on or after July 1, 2011
668 ~~Each special state firesafety inspection which is required by~~
669 ~~law and is conducted by or on behalf of an agency of the state~~
670 ~~must be performed by an individual who has met the provision of~~
671 ~~subsection (2), except that the duration of the training program~~
672 ~~shall not exceed 120 hours of specific training for the type of~~

673 ~~property that such special state firesafety inspectors are~~
 674 ~~assigned to inspect.~~

675 (4) A firefighter certified pursuant to s. 633.35 may
 676 conduct firesafety inspections, under the supervision of a
 677 certified firesafety inspector, while on duty as a member of a
 678 fire department company conducting inservice firesafety
 679 inspections without being certified as a firesafety inspector,
 680 if such firefighter has satisfactorily completed an inservice
 681 fire department company inspector training program of at least
 682 24 hours' duration as provided by rule of the department.

683 (5) Every firesafety inspector ~~or special state firesafety~~
 684 ~~inspector~~ certificate is valid for a period of 3 years from the
 685 date of issuance. Renewal of certification shall be subject to
 686 the affected person's completing proper application for renewal
 687 and meeting all of the requirements for renewal as established
 688 under this chapter or by rule adopted ~~promulgated~~ thereunder,
 689 which shall include completion of at least 40 hours during the
 690 preceding 3-year period of continuing education as required by
 691 the rule of the department or, in lieu thereof, successful
 692 passage of an examination as established by the department.

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

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

700 (b) Violation of this chapter or any rule or order of the

701 State Fire Marshal.

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

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

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

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

710 (g) Making or filing a report or record that the
711 certificateholder knows to be false, or knowingly inducing
712 another to file a false report or record, or knowingly failing
713 to file a report or record required by state or local law, or
714 knowingly impeding or obstructing such filing, or knowingly
715 inducing another person to impede or obstruct such filing.

716 (h) Failing to properly enforce applicable fire codes or
717 permit requirements within this state which the
718 certificateholder knows are applicable by committing willful
719 misconduct, gross negligence, gross misconduct, repeated
720 negligence, or negligence resulting in a significant danger to
721 life or property.

722 (i) Accepting labor, services, or materials at no charge
723 or at a noncompetitive rate from any person who performs work
724 that is under the enforcement authority of the certificateholder
725 and who is not an immediate family member of the
726 certificateholder. For the purpose of this paragraph, the term
727 "immediate family member" means a spouse, child, parent,
728 sibling, grandparent, aunt, uncle, or first cousin of the person

HB 693

2009

729 or the person's spouse or any person who resides in the primary
730 residence of the certificateholder.

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

733 (8) The State Fire Marshal may develop by rule an advanced
734 training and certification program for firesafety inspectors
735 with fire code management responsibility. This program shall be
736 consistent with national standards. The program shall establish
737 minimum training, education, and experience levels for fire
738 safety inspectors with fire code management responsibilities.

739 (9) The Division of State Fire Marshal may enter into a
740 reciprocity agreement with the Florida Building Code
741 Administrators and Inspectors Board, established pursuant to s.
742 468.605, to facilitate joint recognition of continuing education
743 recertification hours for certificateholders licensed in
744 accordance with s. 468.609 and firesafety inspectors certified
745 in accordance with subsection (2).

746 Section 12. Subsection (2) of section 633.082, Florida
747 Statutes, is amended, and subsection (6) is added to that
748 section, to read:

749 633.082 Inspection of fire control systems, fire hydrants,
750 and fire protection systems.--

751 (2) Fire hydrants and fire protection systems installed in
752 public and private properties, except one-family or two-family
753 dwellings, in this state shall be inspected following procedures
754 established in the nationally recognized inspection, testing,
755 and maintenance standards ~~NFPA-24 and NFPA-25 as set forth in~~
756 ~~the edition~~ adopted by the State Fire Marshal.

757 (a) All alarm systems shall be serviced, tested, repaired,
758 inspected, and improved in compliance with the provisions of the
759 applicable standards of the National Fire Protection Association
760 adopted by the State Fire Marshal pursuant to authority
761 specified in ss. 633.071 and 633.701.

762 (b) Fire hydrants owned by public governmental entities
763 shall be inspected following procedures established in the
764 nationally recognized inspection, testing, and maintenance
765 standards NFPA-24 and NFPA-25 as set forth in the edition
766 adopted by the State Fire Marshal. County, municipal, and
767 special district utilities may comply with this section with
768 designated employees notwithstanding the requirements of s.
769 633.081. However, private contractors must be licensed pursuant
770 to this chapter.

771 (c) Fire protection systems installed in public and
772 private properties, and private hydrants that are attached to
773 and an integral part of the fire protection system, shall be
774 inspected following procedures established in the nationally
775 recognized inspection, testing, and maintenance standards
776 adopted by the State Fire Marshal. Quarterly, annual, 3-year,
777 and 5-year inspections consistent with the contractual
778 provisions with the owner shall be conducted by the
779 certificateholder or permittees employed by the
780 certificateholder pursuant to s. 633.521.

781 (6) Fire sprinklers that have been listed by the
782 manufacturer or a government entity as recalled or to be
783 replaced must be replaced. It is the obligation of the owner to
784 determine replacement cost recovery from the manufacturer.

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

788 633.085 Inspections of state buildings and premises; tests
 789 of firesafety equipment; building plans to be approved.--

790 (1) (a) It is the duty of the State Fire Marshal and her or
 791 his agents to inspect, or cause to be inspected, each state-
 792 owned building and each building located on land owned by the
 793 state and used primarily for state purposes as determined by the
 794 State Fire Marshal, such buildings to be referred to in this
 795 section as a state-owned building or state-owned buildings, on a
 796 recurring basis established by rule, and to ensure that high-
 797 hazard occupancies are inspected at least annually, for the
 798 purpose of ascertaining and causing to be corrected any
 799 conditions liable to cause fire or endanger life from fire and
 800 any violation of the firesafety standards for state-owned
 801 buildings, the provisions of this chapter, or the rules or
 802 regulations adopted and promulgated pursuant hereto. The State
 803 Fire Marshal shall, within 7 days following an inspection,
 804 submit a report of such inspection to the head of the department
 805 of state government responsible for the building.

806 (2) The State Fire Marshal and her or his agents may ~~shall~~
 807 conduct performance tests on any electronic fire warning and
 808 smoke detection system, and any pressurized air-handling unit,
 809 in any state-owned building or state-leased space on a recurring
 810 basis as provided in subsection (1). The State Fire Marshal and
 811 her or his agents shall also ensure that fire drills are
 812 conducted in all high-hazard state-owned buildings or high-

813 hazard state-leased ~~high-hazard~~ occupancies at least annually.

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

818 (a) For all new construction or renovation, alteration, or
 819 change of occupancy of state-leased space, compliance with the
 820 uniform firesafety standards shall be determined by reviewing
 821 the plans for the proposed construction or occupancy submitted
 822 by the lessor to the Division of State Fire Marshal for review
 823 and approval prior to commencement of construction or occupancy,
 824 which review shall be completed within 10 working days after
 825 receipt of the plans by the Division of State Fire Marshal.

826 (b) The plans for all construction of any new, or
 827 renovation or alteration of any existing, state-owned building
 828 are subject to the review and approval of the Division of State
 829 Fire Marshal for compliance with the uniform firesafety
 830 standards prior to commencement of construction or change of
 831 occupancy, which review shall be completed within 30 calendar
 832 days of receipt of the plans by the Division of State Fire
 833 Marshal.

834 (4) The Division of State Fire Marshal may inspect state-
 835 owned buildings and space and state-leased space as necessary
 836 prior to occupancy or during construction, renovation, or
 837 alteration to ascertain compliance with the uniform firesafety
 838 standards. Whenever the Division of State Fire Marshal
 839 determines by virtue of such inspection or by review of plans
 840 that construction, renovation, or alteration of state-owned

841 buildings and state-leased space is not in compliance with the
 842 uniform firesafety standards, the Division of State Fire Marshal
 843 shall issue an order to cease construction, renovation, or
 844 alteration, or to preclude occupancy, of a building until
 845 compliance is obtained, except for those activities required to
 846 achieve such compliance.

847 Section 14. Section 633.101, Florida Statutes, is amended
 848 to read:

849 633.101 Hearings; investigations; investigatory powers of
 850 State Fire Marshal; costs of service and witness fees.--

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

857 (2) If the State Fire Marshal seeks to obtain by request
 858 any matter that, or the testimony of any person who, is located
 859 outside the state, the person requested shall provide the
 860 testimony to the State Fire Marshal or make the matter available
 861 to the State Fire Marshal to examine at the place where the
 862 matter is located. The State Fire Marshal may designate
 863 representatives, including officials of the state in which the
 864 matter is located, to inspect the matter on behalf of the State
 865 Fire Marshal, and the State Fire Marshal may respond to similar
 866 requests from officials of other states. ~~If the State Fire~~
 867 ~~Marshal shall be of the opinion that there is sufficient~~
 868 ~~evidence to charge any person with an offense, he or she shall~~

HB 693

2009

869 ~~cause the arrest of such person and shall furnish to the~~
870 ~~prosecuting officer of any court having jurisdiction of said~~
871 ~~offense all information obtained by him or her, including a copy~~
872 ~~of all pertinent and material testimony taken, together with the~~
873 ~~names and addresses of all witnesses. In the conduct of such~~
874 ~~investigations, the fire marshal may request such assistance as~~
875 ~~may reasonably be given by such prosecuting officers and other~~
876 ~~local officials.~~

877 (3) (a) The State Fire Marshal may request that an
878 individual who refuses to comply with any request made under
879 subsection (2) be ordered by the circuit court to provide the
880 testimony or matter. The court may not order such compliance
881 unless the State Fire Marshal has demonstrated to the
882 satisfaction of the court that the testimony of the witness or
883 the matter under request has a direct bearing on matter under
884 the jurisdiction of the State Fire Marshal, constitutes a felony
885 or misdemeanor under the laws of this state, or is pertinent and
886 necessary to further such investigation.

887 (b) Except in a prosecution for perjury, an individual who
888 complies with a court order to provide testimony or matter after
889 asserting a privilege against self-incrimination to which the
890 individual is entitled by law may not be subjected to a criminal
891 proceeding or to a civil penalty with respect to the act
892 concerning that which the individual is required to testify or
893 produce relevant matter.

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

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

901 1. Any information relating to a matter under the
 902 jurisdiction of the State Fire Marshal, suspected violations of
 903 the laws of this state, or persons suspected of engaging in such
 904 acts furnished to or received from law enforcement officials or
 905 their agents or employees;

906 2. Any information relating to any matter under the
 907 jurisdiction of the State Fire Marshal, suspected violations of
 908 the laws of this state, or persons suspected of engaging in such
 909 acts furnished to or received from other persons subject to the
 910 provisions of this chapter;

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

914 4. Other actions taken in cooperation with any of the
 915 agencies or individuals specified in this paragraph in the
 916 lawful investigation of violations under the jurisdiction of the
 917 State Fire Marshal or suspected violations of the laws of this
 918 state.

919 (d) In addition to the immunity granted in paragraph (c),
 920 persons identified as employees of or consultants to insurers
 921 whose responsibilities include the investigation and disposition
 922 of violations under the jurisdiction of the State Fire Marshal
 923 or the laws of this state and claims relating to suspected
 924 fraudulent insurance acts may share information relating to

925 persons suspected of such acts with other employees or
 926 consultants employed by the same or other insurers whose
 927 responsibilities include such acts. Unless the employees of or
 928 consultants to the insurer act in bad faith or in reckless
 929 disregard for the rights of any insured, the insurer or its
 930 designated employees are not civilly liable for libel, slander,
 931 or any other relevant tort, and a civil action does not arise
 932 against the insurer or its designated employees for:

933 1. Any information related to any matter under the
 934 jurisdiction of the State Fire Marshal or suspected violations
 935 of the laws of this state; or

936 2. Any information relating to any matter under the
 937 jurisdiction of the State Fire Marshal or violations of the laws
 938 of this state provided to the National Insurance Crime Bureau or
 939 the National Association of Insurance Commissioners.

940
 941 However, the qualified immunity against civil liability
 942 conferred on any insurer or its employees and consultants shall
 943 be forfeited with respect to the exchange or publication of any
 944 defamatory information with third persons not expressly
 945 authorized by this paragraph to share in such information.

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

949 (f) For the purpose of this section, the term "consultant"
 950 means any individual or entity, or employee of the individual or
 951 entity, retained by an insurer to assist in the investigation of
 952 a fire, explosion, or suspected fraudulent insurance act.

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

960 (4) Papers, documents, reports, or evidence relative to
 961 the subject of an investigation under this section are not
 962 subject to discovery until the investigation is completed or
 963 ceases to be active. Agents of the State Fire Marshal are not
 964 subject to subpoena in civil actions by any court of this state
 965 to testify concerning any matter of which they have knowledge
 966 pursuant to a pending investigation by the State Fire Marshal.
 967 ~~All persons so summoned and so testifying shall be entitled to~~
 968 ~~the same witness fees and mileage as provided for witnesses~~
 969 ~~testifying in the circuit courts of this state, and officers~~
 970 ~~-serving subpoenas or orders of the fire marshal shall be paid in~~
 971 ~~like manner for like services in such courts, from the funds~~
 972 ~~herein provided.~~

973 (5) Any person, other than an insurer, agent, or other
 974 person licensed under the Florida Insurance Code, or an employee
 975 of such licensee, having knowledge or a belief that a crime
 976 involving arson, a destructive device, an illegal possession of
 977 explosives, a fraudulent insurance act, or any other act or
 978 practice which, upon conviction, constitutes a felony or a
 979 misdemeanor under the laws of this state is being or has been
 980 committed may submit to the State Fire Marshal a report or

HB 693

2009

981 information pertinent to such knowledge or belief and such
982 additional information relative to such knowledge or belief as
983 the State Fire Marshal may request. Any insurer, agent, or other
984 person licensed under the Florida Insurance Code, or an employee
985 of such licensee, having knowledge or a belief that a crime
986 involving arson, a destructive device, an illegal possession of
987 explosives, or any other act or practice which, upon conviction,
988 constitutes a felony or a misdemeanor under this chapter or s.
989 817.233, is being or has been committed, shall notify the State
990 Fire Marshal and shall furnish the State Fire Marshal with all
991 material acquired by the company during the course of its
992 investigation. The State Fire Marshal may adopt rules
993 implementing this subsection. The State Fire Marshal shall
994 review such information or reports and select such information
995 or reports as, in his or her judgment, may require further
996 investigation. The State Fire Marshal shall then cause an
997 independent examination of the facts surrounding such
998 information or report to be made to determine the extent, if
999 any, to which a crime involving arson, a destructive device,
1000 illegal possession of explosives, or a fraudulent insurance act,
1001 or any other act or practice that, upon conviction, constitutes
1002 a felony or a misdemeanor under the laws of this state is being
1003 or has been committed. The State Fire Marshal shall report any
1004 alleged violations of law which his or her investigations reveal
1005 to the appropriate licensing agency and state attorney or other
1006 prosecuting agency having jurisdiction with respect to any such
1007 violation.

1008 (6) It is unlawful for any person to resist an arrest by

HB 693

2009

1009 an agent of the State Fire Marshal authorized by this section or
 1010 in any manner to interfere, by abetting or assisting such
 1011 resistance or otherwise interfering, with any Division of State
 1012 Fire Marshal investigator in the duties imposed upon such agent
 1013 or investigator by law or department rule.

1014 Section 15. Section 633.121, Florida Statutes, is amended
 1015 to read:

1016 633.121 Persons authorized to enforce laws and rules of
 1017 State Fire Marshal.--The chiefs of county, municipal, and
 1018 special-district fire departments; other fire department
 1019 personnel designated by their respective chiefs; ~~and~~ personnel
 1020 designated by local governments having no organized fire
 1021 departments; and all law enforcement officers in the state duly
 1022 certified under chapter 943 and acting upon the request of the
 1023 State Fire Marshal or a chief of a county, municipal, or special
 1024 district fire department may ~~are authorized to~~ enforce this
 1025 chapter law and all rules adopted ~~prescribed~~ by the State Fire
 1026 Marshal within their respective jurisdictions. Such personnel
 1027 acting under the authority of this section shall be deemed to be
 1028 agents of their respective jurisdictions, not agents of the
 1029 State Fire Marshal.

1030 Section 16. Section 633.13, Florida Statutes, is amended
 1031 to read:

1032 633.13 State Fire Marshal; authority of agents.--The
 1033 authority given the State Fire Marshal under this chapter or any
 1034 rule or order adopted by the State Fire Marshal law may be
 1035 exercised by his or her agents, either individually or in
 1036 conjunction with any other state or local official charged with

1037 similar responsibilities.

1038 Section 17. Section 633.14, Florida Statutes, is amended
1039 to read:

1040 633.14 Agents; powers to make arrests, conduct searches
1041 and seizures, serve summonses, and carry firearms.--Agents or
1042 investigators of the State Fire Marshal have the power to make
1043 arrests for criminal violations established as a result of
1044 investigations. Such agents or investigators shall also be
1045 considered state law enforcement officers for all purposes and
1046 shall have the power to execute arrest warrants and search
1047 warrants; to serve subpoenas issued for the examination,
1048 investigation, and trial of all offenses; and to arrest upon
1049 probable cause, without warrant, any person violating any
1050 provision of the laws of this state. Agents or investigators
1051 empowered to make arrests under this section may bear arms in
1052 the performance of their duties. In such a situation, the
1053 investigator must be certified in compliance with the provisions
1054 of s. 943.1395 or must meet the temporary employment or
1055 appointment exemption requirements of s. 943.131 until certified
1056 ~~shall have the same authority to serve summonses, make arrests,~~
1057 ~~carry firearms, and make searches and seizures, as the sheriff~~
1058 ~~or her or his deputies, in the respective counties where such~~
1059 ~~investigations, hearings, or inspections may be held; and~~
1060 ~~affidavits necessary to authorize any such arrests, searches, or~~
1061 ~~seizures may be made before any trial court judge having~~
1062 ~~authority under the law to issue appropriate processes.~~

1063 Section 18. Subsections (1) and (3) of section 633.161,
1064 Florida Statutes, are amended to read:

1065 633.161 Violations; orders to cease and desist, correct
 1066 hazardous conditions, preclude occupancy, or vacate;
 1067 enforcement; penalties.--

1068 (1) If it is determined by the department that a violation
 1069 specified in this subsection exists, the State Fire Marshal or
 1070 her or his agent ~~deputy~~ may issue and deliver to the person
 1071 committing the violation an order to cease and desist from such
 1072 violation, to correct any hazardous condition, to preclude
 1073 occupancy of the affected building or structure, or to vacate
 1074 the premises of the affected building or structure. Such
 1075 violations consist of ~~are~~:

1076 (a) Except as set forth in paragraph (b), a violation of
 1077 any provision of this chapter, of any rule adopted pursuant
 1078 thereto, of any applicable uniform firesafety standard adopted
 1079 pursuant to s. 633.022 which is not adequately addressed by any
 1080 alternative requirements adopted on a local level, or of any
 1081 minimum firesafety standard adopted pursuant to s. 394.879.

1082 (b) A substantial violation of an applicable minimum
 1083 firesafety standard adopted pursuant to s. 633.025 which is not
 1084 reasonably addressed by any alternative requirement imposed at
 1085 the local level, or an unreasonable interpretation of an
 1086 applicable minimum firesafety standard, and which violation or
 1087 interpretation clearly constitutes a danger to lifesafety.

1088 (c) A building or structure which is in a dilapidated
 1089 condition and as a result thereof creates a danger to life,
 1090 safety, or property.

1091 (d) A building or structure which contains explosive
 1092 matter or flammable liquids or gases constituting a danger to

1093 life, safety, or property.

1094 (e) A fire department that is not designated by a
 1095 political subdivision as defined in s. 1.01.

1096 (3) Any person who violates or fails to comply with any
 1097 order under subsection (1) or subsection (2) commits ~~is guilty~~
 1098 ~~of~~ a misdemeanor, punishable as provided in s. 633.171.

1099 Section 19. Subsection (1) of section 633.171, Florida
 1100 Statutes, is amended to read:

1101 633.171 Penalty for violation of law, rule, or order to
 1102 cease and desist or for failure to comply with corrective
 1103 order.--

1104 (1) Any person who violates any provision of this chapter
 1105 ~~law~~, any order or rule of the State Fire Marshal, or any order
 1106 to cease and desist or to correct conditions issued under this
 1107 chapter commits a misdemeanor of the second degree, punishable
 1108 as provided in s. 775.082 or s. 775.083.

1109 Section 20. Subsection (1) of section 633.175, Florida
 1110 Statutes, is amended to read:

1111 633.175 Investigation of arson, fraudulent insurance
 1112 claims, and crimes; immunity of insurance companies supplying
 1113 information.--

1114 (1) In addition to the other powers granted by this
 1115 chapter, the State Fire Marshal or an agent appointed pursuant
 1116 to s. 633.02, any law enforcement officer as defined in s.
 1117 111.065, any law enforcement officer of a federal agency, or any
 1118 fire department official who is engaged in the investigation of
 1119 a fire loss or loss from an explosion may request any insurance
 1120 company or its agent, adjuster, employee, or attorney,

1121 | investigating a claim under an insurance policy or contract with
 1122 | respect to a fire to release any information whatsoever in the
 1123 | possession of the insurance company or its agent, adjuster,
 1124 | employee, or attorney relative to a loss from that fire. The
 1125 | insurance company shall release the available information to and
 1126 | cooperate with any official authorized to request such
 1127 | information pursuant to this section. The information shall
 1128 | include, but shall not be limited to:

1129 | (a) Any insurance policy relevant to a loss under
 1130 | investigation and any application for such a policy.

1131 | (b) Any policy premium payment records.

1132 | (c) The records, reports, and all material pertaining to
 1133 | any previous claims made by the insured with the reporting
 1134 | company.

1135 | (d) Material relating to the investigation of the loss,
 1136 | including statements of any person, proof of loss, and other
 1137 | relevant evidence.

1138 | (e) Memoranda, notes, and correspondence relating to the
 1139 | investigation of the loss in the possession of the insurance
 1140 | company or its agents, adjusters, employees, or attorneys.

1141 | Section 21. Section 633.18, Florida Statutes, is amended
 1142 | to read:

1143 | 633.18 State Fire Marshal; hearings and investigations;
 1144 | subpoena of witnesses; orders of circuit court.--Any agent
 1145 | designated by the State Fire Marshal for such purposes, may hold
 1146 | hearings, sign and issue subpoenas, administer oaths, examine
 1147 | witnesses, receive evidence, and require by subpoena the
 1148 | attendance and testimony of witnesses and the production of such

1149 | accounts, records, memoranda or other evidence, as may be
 1150 | material for the determination of any complaint or conducting
 1151 | any inquiry or investigation under this chapter or any rule or
 1152 | order of the State Fire Marshal ~~law~~. In case of disobedience to
 1153 | a subpoena, the State Fire Marshal or his or her agent may
 1154 | invoke the aid of any court of competent jurisdiction in
 1155 | requiring the attendance and testimony of witnesses and the
 1156 | production of accounts, records, memoranda or other evidence and
 1157 | any such court may in case of contumacy or refusal to obey a
 1158 | subpoena issued to any person, issue an order requiring the
 1159 | person to appear before the State Fire Marshal's agent or
 1160 | produce accounts, records, memoranda or other evidence, as so
 1161 | ordered, or to give evidence touching any matter pertinent to
 1162 | any complaint or the subject of any inquiry or investigation,
 1163 | and any failure to obey such order of the court shall be
 1164 | punished by the court as a contempt thereof.

1165 | Section 22. Section 633.30, Florida Statutes, is amended
 1166 | to read:

1167 | 633.30 Standards for firefighting; definitions.--As used
 1168 | in this chapter, the term:

1169 | (1) "Career firefighter" means a person who is compensated
 1170 | at an hourly or salaried rate and whose work hours are scheduled
 1171 | in advance to maintain a schedule of coverage at a station,
 1172 | facility, or area to function as described in subsection (8)
 1173 | ~~"Firefighter" means any person initially employed as a full-time~~
 1174 | ~~professional firefighter by any employing agency, as defined~~
 1175 | ~~herein, whose primary responsibility is the prevention and~~
 1176 | ~~extinguishment of fires, the protection and saving of life and~~

HB 693

2009

1177 ~~property, and the enforcement of municipal, county, and state~~
1178 ~~fire prevention codes, as well as of any law pertaining to the~~
1179 ~~prevention and control of fires.~~

1180 (2) "Council" means the Firefighters Employment,
1181 Standards, and Training Council ~~"Employing agency" means any~~
1182 ~~municipality or county, the state, or any political subdivision~~
1183 ~~of the state, including authorities and special districts,~~
1184 ~~employing firefighters as defined in subsection (1).~~

1185 (3) "Department" means the Department of Financial
1186 Services.

1187 (4) "Division" means the Division of State Fire Marshal of
1188 the Department of Financial Services ~~"Council" means the~~
1189 ~~Firefighters Employment, Standards, and Training Council.~~

1190 (5) "Employing agency" means any municipality or county,
1191 the state, or any political subdivision of the state, including
1192 authorities, special districts, or any private entity under
1193 contract with such entities ~~"Division" means the Division of~~
1194 ~~State Fire Marshal of the Department of Financial Services.~~

1195 (6) "Fire department" means an organization designated by
1196 a state political subdivision, such as a county, municipality,
1197 or special fire control district, to provide emergency response
1198 for the protection of life and property within a specified
1199 geographical area.

1200 (7) "Fire service apprentice" means any high school
1201 student who completes a high school course of instruction and
1202 examination approved by the department that includes specified
1203 components of firefighter I and II certification in accordance
1204 with the division's rules. Before the age of 18, a fire service

HB 693

2009

1205 apprentice may function as a fireground resource technician with
1206 a recognized fire department. Upon age of 18 and graduation from
1207 high school, the fire service apprentice may complete the
1208 outstanding components of firefighter I and II certification
1209 training and become certified at level II in accordance with the
1210 division's rules.

1211 (8) "Firefighter" means any person whose responsibility is
1212 the emergency response to fires and other emergencies, the
1213 prevention and extinguishment of fires, the protection and
1214 saving of life and property, and the enforcement of municipal,
1215 county, and state fire prevention codes, as well as of any law
1216 pertaining to the prevention and control of fires.

1217 (9) "Firefighter I" means a person who has successfully
1218 completed the firefighter I training program and is certified at
1219 level I in accordance with the division's rules. Firefighter I
1220 is the minimum level of certification to function as a volunteer
1221 firefighter.

1222 (10) "Firefighter II" means a person who has successfully
1223 completed the firefighter II training program and is certified
1224 at level II in accordance with the division's rules. Firefighter
1225 II is the minimum level of certification to function as a career
1226 firefighter as set forth in subsection (1). For purposes of this
1227 chapter, a certificate of compliance at level II replaces the
1228 previous certificate of compliance required to be a career
1229 firefighter. Firefighters currently certified with a certificate
1230 of compliance are deemed to be in compliance with the
1231 requirements of this chapter and need not become certified as a
1232 firefighter II.

1233 (11) "Fireground resource technician" means a volunteer
 1234 exterior firefighter or support person who is not qualified by
 1235 certification to be an interior firefighter but who has
 1236 completed a course of instruction in accordance with the
 1237 division's rules. Fireground resource technician is the minimum
 1238 level of certification to function on the fireground in
 1239 accordance with division rules.

1240 Section 23. Section 633.34, Florida Statutes, is amended
 1241 to read:

1242 633.34 Firefighters; qualifications for employment.--

1243 (1) Any person applying to an employing agency to function
 1244 ~~for employment~~ as a firefighter must:

1245 (a)~~(1)~~ Be a high school graduate or the equivalent, as the
 1246 term may be determined by the division, and at least 18 years of
 1247 age.

1248 (b)~~(2)~~ Never have been adjudicated guilty of, or pled
 1249 guilty or nolo contendere to, any:

1250 1. Felony. If an applicant has been convicted of a felony,
 1251 the applicant is not eligible for certification until the
 1252 applicant complies with s. 112.011(2) (b); or

1253 2. Misdemeanor involving moral turpitude, or misleading or
 1254 false statements relating to certification or employment as a
 1255 firefighter.

1256
 1257 If an applicant has been sentenced for any conviction of a
 1258 felony or a misdemeanor, the applicant is not eligible for
 1259 certification until 4 years after the expiration of any
 1260 sentence. If a sentence is suspended or adjudication is withheld

1261 and a period of probation is imposed, the applicant must have
 1262 been released from probation ~~Neither have been convicted of a~~
 1263 ~~felony or of a misdemeanor directly related to the position of~~
 1264 ~~employment sought, nor have pled nolo contendere to any charge~~
 1265 ~~of a felony. If an applicant has been convicted of a felony,~~
 1266 ~~such applicant must be in compliance with s. 112.011(2)(b). If~~
 1267 ~~an applicant has been convicted of a misdemeanor directly~~
 1268 ~~related to the position of employment sought, such applicant~~
 1269 ~~shall be excluded from employment for a period of 4 years after~~
 1270 ~~expiration of sentence. If the sentence is suspended or~~
 1271 ~~adjudication is withheld in a felony charge or in a misdemeanor~~
 1272 ~~directly related to the position or employment sought and a~~
 1273 ~~period of probation is imposed, the applicant must have been~~
 1274 ~~released from probation.~~

1275 (c)(3) Pay for and submit fingerprints as directed by the
 1276 division ~~Submit a fingerprint card to the division with a~~
 1277 ~~current processing fee. The fingerprints shall fingerprint card~~
 1278 ~~will be forwarded to the Department of Law Enforcement or and/or~~
 1279 ~~the Federal Bureau of Investigation, or both, as directed by~~
 1280 division rule.

1281 ~~(4) Have a good moral character as determined by~~
 1282 ~~investigation under procedure established by the division.~~

1283 (d)(5) Be in good physical condition as determined by a
 1284 medical examination given by a physician, surgeon, or physician
 1285 assistant licensed to practice in the state pursuant to chapter
 1286 458; an osteopathic physician, surgeon, or physician assistant
 1287 licensed to practice in the state pursuant to chapter 459; or an
 1288 advanced registered nurse practitioner licensed to practice in

1289 | the state pursuant to chapter 464, who are aware of and familiar
 1290 | with the medical requirements for training and certification as
 1291 | stated in department rule. ~~Such examination may include, but~~
 1292 | ~~need not be limited to, provisions of the National Fire~~
 1293 | ~~Protection Association Standard 1582. Results of this~~ A medical
 1294 | examination evidencing good physical condition shall be
 1295 | submitted to the division, on a form as provided by rule, before
 1296 | an individual is eligible for admission into a firefighter
 1297 | training program as defined in s. 633.35.

1298 | (e) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
 1299 | least 1 year immediately preceding application, as evidenced by
 1300 | the sworn affidavit of the applicant.

1301 | (2) A person who does not hold a fire service apprentice,
 1302 | fireground resource technician, firefighter I, or firefighter II
 1303 | certificate may not respond or engage in hazardous operations,
 1304 | including, but not limited to, interior structural firefighting,
 1305 | hazardous-materials-incident mitigation, and incident command,
 1306 | requiring the knowledge and skills taught in the training
 1307 | programs established in s. 633.35, regardless of volunteer or
 1308 | employment status.

1309 | Section 24. Section 633.35, Florida Statutes, is amended
 1310 | to read:

1311 | 633.35 Firefighter training and certification.--

1312 | (1) The division shall establish by rule ~~a~~ firefighter
 1313 | training programs for certification as a fireground resource
 1314 | technician, a fire service apprentice, a firefighter I, and a
 1315 | firefighter II, to be ~~program of not less than 360 hours,~~
 1316 | administered by such agencies and institutions as approved by

HB 693

2009

1317 the division in accordance with division rules ~~it approves~~ for
1318 the purpose of providing ~~basic employment~~ training for
1319 firefighters. Nothing herein shall require a public employer to
1320 pay the cost of such training.

1321 (2) The division shall issue certificates ~~a certificate~~ of
1322 compliance for certification as a fireground resource
1323 technician, a fire service apprentice, a firefighter I, and a
1324 firefighter II to any person who has satisfactorily completed
1325 ~~complying with~~ the training programs ~~program~~ established in
1326 subsection (1), who has successfully passed an examination as
1327 prescribed by the division, and who possesses the qualifications
1328 specified for employment in s. 633.34, ~~except s. 633.34(5)~~. A No
1329 person may not be employed as a career ~~regular or permanent~~
1330 firefighter by an employing agency, or by a private entity under
1331 contract with the state or any political subdivision of the
1332 state, including authorities and special districts, unless
1333 certified as a firefighter II, except for an individual hired to
1334 be trained and become certified as a firefighter II. An
1335 individual hired to be trained and become certified as a
1336 firefighter II has a maximum of ~~for a period of time in excess~~
1337 ~~of~~ 1 year from the date of initial employment to obtain the
1338 firefighter II ~~until he or she has obtained such~~ certificate of
1339 compliance. A person who does not hold a firefighter II
1340 certificate of compliance and is employed under this section may
1341 not directly engage in hazardous operations, such as interior
1342 structural firefighting and hazardous-materials-incident
1343 mitigation, requiring the knowledge and skills taught in a
1344 training program established in subsection (1). However, a

HB 693

2009

1345 person who is certified and has been employed by ~~served as a~~
1346 ~~volunteer firefighter with~~ the state or any political
1347 subdivision of the state, including authorities and special
1348 districts, who is then employed as a career ~~regular or permanent~~
1349 firefighter may function, during this period, in the same
1350 capacity in which he or she acted prior to being employed as a
1351 career firefighter ~~as a volunteer firefighter, provided that he~~
1352 ~~or she has completed all training required by the volunteer~~
1353 ~~organization.~~

1354 (3) The division may issue a certificate of compliance at
1355 the firefighter I or firefighter II level to any person who has
1356 received basic employment training for firefighters in another
1357 state when the division has determined that such training was at
1358 least equivalent to that required by the division for approved
1359 firefighter education and training programs in this state and
1360 when such person has satisfactorily complied with all other
1361 requirements of this section. The division may also issue a
1362 special certificate to a person who is otherwise qualified under
1363 this section and who is employed as the administrative and
1364 command head of a fire/rescue/emergency services organization,
1365 based on the acknowledgment that such person is less likely to
1366 need physical dexterity and more likely to need advanced
1367 knowledge of firefighting and supervisory skills. The
1368 certificate is valid only while the person is serving in a
1369 position as an administrative and command head of a
1370 fire/rescue/emergency services organization and must be obtained
1371 prior to employment in such capacity.

1372 (4) A person who fails an examination given under this

1373 section may retake the examination once within 6 months after
 1374 the original examination date. An applicant who does not pass
 1375 ~~retake~~ the examination within such time must repeat or take the
 1376 applicable training program ~~Minimum Standards Course~~, pursuant
 1377 to subsection (1), before being reexamined. The division may
 1378 establish reasonable preregistration deadlines for such
 1379 reexaminations.

1380 (5) Pursuant to s. 590.02(1)(e), the division shall
 1381 establish a structural fire training program of not less than 40
 1382 hours. The division shall issue to any person satisfactorily
 1383 complying with this training program and who has successfully
 1384 passed an examination as prescribed by the division and who has
 1385 met the requirements of s. 590.02(1)(e) a Certificate of
 1386 Forestry Firefighter.

1387 (6) A certified forestry firefighter is entitled to the
 1388 same rights, privileges, and benefits provided for by law as a
 1389 career certified firefighter. For the purposes of this statute,
 1390 forestry compliance certification is equivalent to firefighter
 1391 II.

1392 Section 25. Section 633.351, Florida Statutes, is amended
 1393 to read:

1394 633.351 Disciplinary action; firefighters; standards for
 1395 revocation of certification.--

1396 (1) The certification of a firefighter shall be revoked by
 1397 the division if evidence is found that the certification was
 1398 improperly issued by the division or if evidence is found that
 1399 the certification was issued on the basis of false, incorrect,
 1400 incomplete, or misleading information.

1401 (2) The certification of a firefighter who has been
 1402 adjudicated guilty of, or pled guilty or nolo contendere to, any
 1403 felony, or any misdemeanor involving moral turpitude, or
 1404 misleading or false statements relating to the certification or
 1405 employment as a firefighter, shall be revoked by the division.
 1406 In the case of a felony, the certification may not be reinstated
 1407 ~~is convicted of a felony, or who is convicted of a misdemeanor~~
 1408 ~~relating to misleading or false statements, or who pleads nolo~~
 1409 ~~contendere to any charge of a felony shall be revoked until the~~
 1410 firefighter complies with s. 112.011(2) (b). However, if sentence
 1411 upon such felony or such misdemeanor charge is suspended or
 1412 adjudication is withheld, the firefighter's revocation of
 1413 certification shall continue for a period of 4 years after
 1414 expiration of completion of any probation before the applicant
 1415 is eligible for recertification ~~be revoked until she or he~~
 1416 ~~completes any probation.~~

1417 (3) It is a violation of certification for any career
 1418 firefighter as defined in this chapter, whose initial employment
 1419 date is on or after July 1, 2009, to use tobacco products. An
 1420 investigation by the local firefighter employer which determines
 1421 such use, confirmed by legal means such as nicotine or cotinine
 1422 testing, shall result in the suspension of the firefighter's
 1423 state certification, requiring suspension or termination of
 1424 employment. The division shall adopt rules setting forth the
 1425 criteria for testing, investigation, and notification of the
 1426 division by the local firefighter employer of violations,
 1427 actions to be taken by the division, reinstatement of
 1428 certification with appropriate medical approval and

1429 surveillance, and the number of violations allowed before
 1430 permanent revocation of firefighter certification.

1431 Section 26. Section 633.352, Florida Statutes, is amended
 1432 to read:

1433 633.352 Retention of firefighter certification.--

1434 (1) Any certified firefighter who has not been active as a
 1435 firefighter, or as a volunteer firefighter with an organized
 1436 fire department, for a period of 3 years shall be required to
 1437 retake and pass the written and practical portions ~~portion~~ of
 1438 the minimum standards state examination specified in division
 1439 rules rule 4A-37.056(6)(b), Florida Administrative Code, in
 1440 order to maintain her or his certification as a firefighter. ~~;~~
 1441 ~~however,~~

1442 (2) This requirement does not apply to state-certified
 1443 firefighters who are certified and employed as full-time fire
 1444 safety inspectors by a fire department employing agency or to
 1445 instructors regardless of their employment status instructors,
 1446 ~~as determined by the division.~~

1447 (3) The 3-year period begins on the date the firefighter I
 1448 or firefighter II certificate of compliance is issued, ~~or~~ upon
 1449 termination of service with an organized fire department, or
 1450 upon expiration of instructor certification.

1451 Section 27. Paragraph (b) of subsection (1) and paragraph
 1452 (a) of subsection (2) of section 633.382, Florida Statutes, are
 1453 amended to read:

1454 633.382 Firefighters; supplemental compensation.--

1455 (1) DEFINITIONS.--As used in this section, the term:

1456 (b) "Firefighter" means any person who meets the

HB 693

2009

1457 definition ~~of the term "firefighter"~~ in s. 633.30(1) and (10) ~~s.~~
 1458 ~~633.30(1) who is certified in compliance with s. 633.35 and who~~
 1459 is employed solely within the fire department of the employing
 1460 agency or is employed by the division.

1461 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

1462 (a) In addition to the compensation now paid by an
 1463 employing agency to a any firefighter II, every career
 1464 firefighter shall be paid supplemental compensation by the
 1465 employing agency when such firefighter has complied with one of
 1466 the following criteria:

1467 1. Any firefighter II who receives an associate degree
 1468 from an accredited a college, which degree is applicable to fire
 1469 department duties, as outlined in policy guidelines of the
 1470 division, shall be additionally compensated as outlined in
 1471 paragraph (3) (a).

1472 2. Any firefighter II, regardless of whether or not she or
 1473 he earned an associate degree earlier, who receives from an
 1474 accredited college or university a bachelor's degree, which
 1475 bachelor's degree is applicable to fire department duties, as
 1476 outlined in policy guidelines of the division, shall receive
 1477 compensation as outlined in paragraph (3) (b).

1478 Section 28. Subsections (3), (10), and (11) of section
 1479 633.521, Florida Statutes, are amended to read:

1480 633.521 Certificate application and issuance; permit
 1481 issuance; examination and investigation of applicant.--

1482 (3) (a) As a prerequisite to taking the examination for
 1483 certification as a Contractor I, ~~Contractor II, or Contractor~~
 1484 ~~III~~, the applicant must be at least 18 years of age, be of good

HB 693

2009

1485 moral character, and have at least ~~shall possess~~ 4 years' proven
 1486 experience in the employment of a fire protection system
 1487 Contractor I, ~~Contractor II, or Contractor III~~ or a combination
 1488 of equivalent education and experience in both water-based and
 1489 chemical fire suppression systems.

1490 (b) As a prerequisite to taking the examination for
 1491 certification as a Contractor II, the applicant must be at least
 1492 18 years of age, be of good moral character, and have at least 4
 1493 years' proven experience in the employment of a fire protection
 1494 system Contractor I or Contractor II or a combination of
 1495 equivalent education and experience in water-based fire
 1496 suppression systems.

1497 (c) As a prerequisite to taking the examination for
 1498 certification as a Contractor III, the applicant must be at
 1499 least 18 years of age, be of good moral character, and have at
 1500 least 4 years' proven experience in the employment of a fire
 1501 protection system Contractor I or Contractor III or a
 1502 combination of equivalent education and experience in chemical
 1503 fire suppression systems.

1504 (d) As a prerequisite to taking the examination for
 1505 certification as a Contractor IV, the applicant must ~~shall~~ be at
 1506 least 18 years old, be of good moral character, and have at
 1507 least 2 years' proven experience in the employment of a fire
 1508 protection system Contractor I, Contractor II, ~~Contractor III,~~
 1509 or Contractor IV or combination of equivalent education and
 1510 experience ~~which combination need not include experience in the~~
 1511 employment of a fire protection system contractor. A certified
 1512 plumber contractor meets equivalent education and experience

HB 693

2009

1513 requirements upon successful completion of a training program
1514 acceptable to the State Fire Marshal of not less than 40
1515 contract hours on NFPA 13D, the applicable installation standard
1516 used by a Contractor IV. The State Fire Marshal may adopt rules
1517 to develop acceptable standards and approval processes for this
1518 subsection.

1519 (e) The required education and experience for
1520 certification as a Contractor I, Contractor II, Contractor III,
1521 or Contractor IV includes training and experience in both
1522 installation and system layout as defined in s. 633.021.

1523 (f) As a prerequisite to taking the examination for
1524 certification as a Contractor V, the applicant must ~~shall~~ be at
1525 least 18 years old, be of good moral character, and have been
1526 licensed as a certified underground utility and excavation
1527 contractor or plumbing contractor pursuant to chapter 489, have
1528 verification by an individual who is licensed as a certified
1529 utility contractor or plumbing contractor pursuant to chapter
1530 489 that the applicant has at least 4 years' proven experience
1531 in the employ of a certified underground utility and excavation
1532 contractor or plumbing contractor, or have a combination of
1533 education and experience equivalent to at least 4 years' proven
1534 experience in the employ of a certified underground utility and
1535 excavation contractor or plumbing contractor.

1536 (g) Within 30 days after the date of the examination, the
1537 State Fire Marshal shall inform the applicant in writing whether
1538 she or he has qualified or not and, if the applicant has
1539 qualified, that she or he is ready to issue a certificate of
1540 competency, subject to compliance with the requirements of

HB 693

2009

1541 subsection (4).

1542 (10) Effective July 1, 2008, the State Fire Marshal shall
1543 require the National Institute of Certification in Engineering
1544 Technologies (NICET), Sub-field of Inspection and Testing of
1545 Fire Protection Systems Level II or equivalent training and
1546 education as determined by the division as proof that the
1547 permitholders are knowledgeable about nationally accepted
1548 standards for the inspection of fire protection systems. ~~It is~~
1549 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1550 ~~to accept continuing education of all certificateholders'~~
1551 ~~employees who perform inspection functions which specifically~~
1552 ~~prepares the permitholder to qualify for NICET II certification.~~

1553 (11) It is intended that a certificateholder, or a
1554 permitholder who is employed by a certificateholder, conduct
1555 inspections required by this chapter. It is understood that
1556 after July 1, 2008, employee turnover may result in a depletion
1557 of personnel who are certified under the NICET Sub-field of
1558 Inspection and Testing of Fire Protection Systems Level II, or
1559 an equivalent training and education as determined by the
1560 division, which is required for permitholders. ~~The extensive~~
1561 ~~training and experience necessary to achieve NICET Level II~~
1562 ~~certification is recognized.~~ A certificateholder may therefore
1563 obtain a provisional permit with an endorsement for inspection,
1564 testing, and maintenance of water-based fire extinguishing
1565 systems for an employee if the employee has initiated procedures
1566 for obtaining Level II certification from the National Institute
1567 for Certification in Engineering Technologies Sub-field of
1568 Inspection and Testing of Fire Protection Systems and achieved

HB 693

2009

1569 | Level I certification or an equivalent level as determined by
1570 | the State Fire Marshal through verification of experience,
1571 | training, and examination. The State Fire Marshal may establish
1572 | rules to implement this subsection. After 2 years of provisional
1573 | certification, the employee must have achieved NICET Level II
1574 | certification, or an equivalent training and education as
1575 | determined by the division, or cease performing inspections
1576 | requiring Level II certification. The provisional permit is
1577 | valid only for the 2 calendar years after the date of issuance,
1578 | may not be extended, and is not renewable. After the initial 2-
1579 | year provisional permit expires, the certificateholder must wait
1580 | 2 additional years before a new provisional permit may be
1581 | issued. The intent is to prohibit the certificateholder from
1582 | using employees who never reach NICET Level II status, or
1583 | equivalent training and education as determined by the division,
1584 | by continuously obtaining provisional permits.

1585 | Section 29. Subsection (3) is added to section 633.524,
1586 | Florida Statutes, to read:

1587 | 633.524 Certificate and permit fees; use and deposit of
1588 | collected funds.--

1589 | (3) The State Fire Marshal may enter into a contract with
1590 | any qualified public entity or private company in accordance
1591 | with chapter 287 to provide examinations for any applicant for
1592 | any examination administered under the jurisdiction of the State
1593 | Fire Marshal under this chapter or any other chapter under the
1594 | jurisdiction of the State Fire Marshal. The State Fire Marshal
1595 | may have payments from each applicant for each examination made
1596 | directly to such public entity or private company.

1597 Section 30. Subsection (4) of section 633.537, Florida
 1598 Statutes, is amended to read:

1599 633.537 Certificate; expiration; renewal; inactive
 1600 certificate; continuing education.--

1601 (4) The renewal period for the permit class is the same as
 1602 that for the employing certificateholder. The continuing
 1603 education requirements for permitholders are what is required to
 1604 maintain NICET Sub-field of Inspection and Testing of Fire
 1605 Protection Systems Level II certification, or equivalent
 1606 training and education as determined by the division, or higher
 1607 certification plus 8 contact hours of continuing education
 1608 acceptable to the State Fire Marshal during each biennial
 1609 renewal period thereafter. ~~The continuing education curriculum~~
 1610 ~~from July 1, 2005, until July 1, 2008, shall be the preparatory~~
 1611 ~~curriculum for NICET II certification; after July 1, 2008, the~~
 1612 ~~technical curriculum is at the discretion of the State Fire~~
 1613 ~~Marshal and may be used to meet the maintenance of NICET Level~~
 1614 ~~II certification and 8 contact hours of continuing education~~
 1615 ~~requirements.~~ It is the responsibility of the permitholder to
 1616 maintain NICET II certification, or equivalent training and
 1617 education as determined by the division, as a condition of
 1618 permit renewal after July 1, 2008.

1619 Section 31. Subsections (1) and (4) of section 633.541,
 1620 Florida Statutes, are amended to read:

1621 633.541 Contracting without certificate prohibited;
 1622 violations; penalty.--

1623 (1) It is unlawful for any organization or individual to
 1624 engage in the business of, the layout, fabrication,

HB 693

2009

1625 installation, inspection, alteration, repair, or service of a
1626 fire protection system, other than a preengineered system, act
1627 in the capacity of a fire protection contractor, or advertise
1628 itself as being a fire protection contractor without having been
1629 duly certified and holding a valid and existing certificate,
1630 except as hereinafter provided. The holder of a certificate used
1631 to qualify an organization must be a full-time employee of the
1632 qualified organization or business. A certificateholder who is
1633 employed by more than one fire protection contractor during the
1634 same period of time is deemed not to be a full-time employee of
1635 either contractor. The State Fire Marshal shall revoke, for a
1636 period of time determined by the State Fire Marshal, the
1637 certificate of a certificateholder who allows the use of the
1638 certificate to qualify a company of which the certificateholder
1639 is not a full-time employee. A contractor who maintains more
1640 than one place of business must employ a certificateholder at
1641 each location. ~~Nothing in~~ This subsection does not prohibit
1642 ~~prohibits~~ an employee acting on behalf of governmental entities
1643 from inspecting and enforcing firesafety codes, provided such
1644 employee is certified under s. 633.081, or an owner of a one- or
1645 two-family dwelling from inspecting or maintaining the fire
1646 protection system for his or her own house.

1647 (4) In addition to the penalties provided in subsection
1648 (3), a fire protection contractor certified under this chapter
1649 who violates any provision of this chapter ~~section~~ or who
1650 commits any act constituting cause for disciplinary action is
1651 subject to suspension or revocation of the certificate and
1652 administrative fines pursuant to s. 633.547.

1653 Section 32. Subsection (4) of section 633.72, Florida
 1654 Statutes, is amended to read:

1655 633.72 Florida Fire Code Advisory Council.--

1656 (4) Each appointee shall serve a 4-year term. No member
 1657 shall serve more than two consecutive terms ~~one term~~. No member
 1658 of the council shall be paid a salary as such member, but each
 1659 shall receive travel and expense reimbursement as provided in s.
 1660 112.061.

1661 Section 33. Section 633.811, Florida Statutes, is amended
 1662 to read:

1663 633.811 Firefighter employer penalties.--If any
 1664 firefighter employer violates or fails or refuses to comply with
 1665 ss. 633.801-633.821, or with any rule adopted by the division
 1666 under such sections in accordance with chapter 120 for the
 1667 prevention of injuries, accidents, or occupational diseases or
 1668 with any lawful order of the division in connection with ss.
 1669 633.801-633.821, or fails or refuses to furnish or adopt any
 1670 safety device, safeguard, or other means of protection
 1671 prescribed by division rule under ss. 633.801-633.821 for the
 1672 prevention of accidents or occupational diseases, the division
 1673 may issue an administrative cease and desist order, enforceable
 1674 in the circuit court in the jurisdiction where the violation is
 1675 occurring or has occurred, and assess an administrative fine
 1676 against a firefighter employer of not less than \$100 nor more
 1677 than \$1,000 for each violation and each day of each violation.
 1678 The administrative penalty assessment shall be subject to the
 1679 provisions of chapter 120. The division may also assess against
 1680 the firefighter employer a civil penalty of not less than \$100

1681 nor more than \$5,000 for each day the violation, omission,
 1682 failure, or refusal continues after the firefighter employer has
 1683 been given written notice of such violation, omission, failure,
 1684 or refusal. The total penalty for each violation shall not
 1685 exceed \$50,000. The division shall adopt rules requiring
 1686 penalties commensurate with the frequency or severity of safety
 1687 violations. A hearing shall be held in the county in which the
 1688 violation, omission, failure, or refusal is alleged to have
 1689 occurred, unless otherwise agreed to by the firefighter employer
 1690 and authorized by the division. All penalties assessed and
 1691 collected under this section shall be deposited in the Insurance
 1692 Regulatory Trust Fund.

1693 Section 34. Subsection (3) of section 633.821, Florida
 1694 Statutes, is amended to read:

1695 633.821 Workplace safety.--

1696 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
 1697 individuals located outside the immediately dangerous to life
 1698 and health atmosphere may be assigned to an additional role,
 1699 such as incident commander, pumper operator, engineer, or
 1700 driver, so long as such individual is able to immediately
 1701 perform assistance or rescue activities without jeopardizing the
 1702 safety or health of any firefighter working at an incident. ~~Also~~
 1703 ~~with respect to 29 C.F.R. s. 1910.134(g)(4):~~

1704 ~~(a) Each county, municipality, and special district shall~~
 1705 ~~implement such provision by April 1, 2002, except as provided in~~
 1706 ~~paragraphs (b) and (c).~~

1707 ~~(b) If any county, municipality, or special district is~~
 1708 ~~unable to implement such provision by April 1, 2002, without~~

HB 693

2009

1709 ~~adding additional personnel to its firefighting staff or~~
1710 ~~expending significant additional funds, such county,~~
1711 ~~municipality, or special district shall have an additional 6~~
1712 ~~months within which to implement such provision. Such county,~~
1713 ~~municipality, or special district shall notify the division that~~
1714 ~~the 6-month extension to implement such provision is in effect~~
1715 ~~in such county, municipality, or special district within 30 days~~
1716 ~~after its decision to extend the time for the additional 6~~
1717 ~~months. The decision to extend the time for implementation shall~~
1718 ~~be made prior to April 1, 2002.~~

1719 ~~(c) If, after the extension granted in paragraph (b), the~~
1720 ~~county, municipality, or special district, after having worked~~
1721 ~~with and cooperated fully with the division and the Firefighters~~
1722 ~~Employment, Standards, and Training Council, is still unable to~~
1723 ~~implement such provisions without adding additional personnel to~~
1724 ~~its firefighting staff or expending significant additional~~
1725 ~~funds, such municipality, county, or special district shall be~~
1726 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
1727 ~~However, each year thereafter the division shall review each~~
1728 ~~such county, municipality, or special district to determine if~~
1729 ~~such county, municipality, or special district has the ability~~
1730 ~~to implement such provision without adding additional personnel~~
1731 ~~to its firefighting staff or expending significant additional~~
1732 ~~funds. If the division determines that any county, municipality,~~
1733 ~~or special district has the ability to implement such provision~~
1734 ~~without adding additional personnel to its firefighting staff or~~
1735 ~~expending significant additional funds, the division shall~~
1736 ~~require such county, municipality, or special district to~~

HB 693

2009

1737 | ~~implement such provision. Such requirement by the division under~~
1738 | ~~this paragraph constitutes final agency action subject to~~
1739 | ~~chapter 120.~~

1740 | Section 35. This act shall take effect July 1, 2009.