

1 A bill to be entitled
2 An act relating to the State Fire Marshal; amending s.
3 633.021, F.S.; revising definitions; amending s. 633.022,
4 F.S.; requiring application of uniform firesafety
5 standards to state universities; amending s. 633.025,
6 F.S.; providing authority and requirements for completion
7 of plans for and inspection of manufactured buildings at
8 the point of manufacture under certain circumstances;
9 providing for associated costs to be borne by the
10 manufacturer; authorizing the Department of Financial
11 Services to adopt rules; amending s. 633.026, F.S.;
12 providing legislative intent; requiring the State Fire
13 Marshal to establish a Fire Code Interpretation Committee
14 for certain purposes; providing eligibility requirements
15 for committee members; providing requirements for
16 nonbinding interpretations of the Florida Fire Prevention
17 Code; deleting certain legislative intent provisions;
18 requiring the Division of State Fire Marshal to charge
19 fees for nonbinding interpretations; authorizing payment
20 of fees directly to certain contracted parties; providing
21 for referral of disputed interpretations to the State Fire
22 Marshal for formal interpretation; providing requirements
23 for State Fire Marshal issuance of nonbinding code
24 interpretations; specifying nonbinding interpretation
25 petition requirements; providing procedural requirements
26 for committee review and resolution of petitions;
27 providing for issuance of interpretations by the
28 committee; providing for formal interpretations by the

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29 State Fire Marshal of disputed interpretations; amending
30 s. 633.027, F.S.; specifying nonapplication of
31 requirements for light-frame truss-type buildings to
32 certain townhouses; amending s. 633.061, F.S.; providing
33 requirements and procedures for certain fire equipment
34 dealers wishing to withdraw a previously filed halon
35 equipment exemption affidavit; requiring fees; revising
36 continuing education requirements for renewal of certain
37 fire suppression equipment licenses and permits; providing
38 equipment inspection requirements for license applicants
39 with facilities outside this state; deleting provisions
40 relating to license examinations and applications after
41 failing certain examinations; providing requirements for
42 licensed fire equipment dealers to downgrade certain
43 licenses, including a fee; requiring certain applicants to
44 undertake a completely new application process under
45 certain circumstances and satisfy certain requirements;
46 amending s. 633.071, F.S.; revising State Fire Marshal
47 rulemaking authority relating to specifications for
48 standard service tags for certain equipment; amending s.
49 633.081, F.S.; revising requirements and procedures for
50 inspections of buildings and equipment; revising
51 eligibility requirements for firesafety inspection
52 personnel; abolishing special state firesafety inspector
53 classifications and certifications; providing criteria,
54 procedures, and requirements for special state firesafety
55 inspectors to be certified as firesafety inspectors;
56 authorizing the State Fire Marshal to develop an advanced

57 training and certification program for certain firesafety
58 inspectors; specifying program requirements; requiring the
59 State Fire Marshal and the Florida Building Code
60 Administrators and Inspectors Board to enter into a
61 reciprocity agreement to recognize certain continuing
62 education recertification hours for certain purposes;
63 amending s. 633.082, F.S.; specifying required procedures
64 for inspections of certain alarm systems, fire control
65 systems, fire hydrants, and fire protection systems;
66 requiring owners to replace fire sprinkler heads subject
67 to government-mandated recalls; amending s. 633.085, F.S.;
68 revising provisions relating to state buildings subject to
69 inspections by the State Fire Marshal; amending s.
70 633.161, F.S.; providing an additional violation subject
71 to certain cease and desist orders; providing that
72 violation of or failure to comply with such an order is a
73 misdemeanor subject to certain penalties; amending s.
74 633.30, F.S.; revising definitions for standards for
75 firefighting; amending s. 633.34, F.S.; revising
76 qualifications for employment of firefighters; amending s.
77 633.35, F.S.; requiring the Division of State Fire Marshal
78 to adopt rules establishing firefighter training programs
79 for certain firefighting personnel; providing requirements
80 and authority for certifications of certain firefighting
81 personnel; authorizing the division to issue a Fire
82 Service Administrative and Command Head certificate to
83 certain persons for certain purposes; providing
84 requirements and limitations; revising examination

85 requirements; amending s. 633.351, F.S.; revising
86 requirements, procedures, and standards for revocation of
87 firefighter certification; requiring the division to adopt
88 rules; amending s. 633.352, F.S.; revising requirements
89 for retention of firefighter certification; amending s.
90 633.382, F.S.; revising definitions relating to
91 supplemental compensation for career firefighters;
92 revising qualifications for supplemental compensation;
93 amending s. 633.521, F.S.; requiring certain applicants to
94 undertake a completely new application process under
95 certain circumstances and satisfy certain requirements;
96 revising qualification and eligibility prerequisites for
97 taking examinations for certifications of certain
98 contractors; deleting an intent provision; amending s.
99 633.524, F.S.; authorizing the State Fire Marshal to enter
100 into contracts with qualified entities to provide certain
101 examinations; authorizing the State Fire Marshal to direct
102 payments from examination applicants directly to the
103 contracted entity or company; amending s. 633.537, F.S.;
104 deleting an obsolete continuing education curriculum
105 requirement; amending s. 633.72, F.S.; providing for
106 members of the Florida Fire Code Advisory Council to serve
107 for two terms; amending s. 633.811, F.S.; authorizing the
108 division to issue administrative cease and desist orders
109 for certain violations under certain circumstances;
110 requiring certain hearings to be held in Leon County;
111 prohibiting the initiation of cease and desist orders or
112 proceedings or the accrual of certain fines until after

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113 provision of notification and opportunity to correct a
 114 violation; amending s. 633.821, F.S.; deleting certain
 115 obsolete workplace safety provisions; amending ss. 218.23
 116 and 447.203, F.S.; conforming provisions relating to
 117 application to career firefighters; amending ss. 489.103
 118 and 590.02, F.S.; conforming cross-references; amending s.
 119 1013.12, F.S.; deleting an annual reporting requirement of
 120 the State Fire Marshal; providing an effective date.

121

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

123

124 Section 1. Paragraph (d) of subsection (5) and subsection
 125 (9) of section 633.021, Florida Statutes, are amended to read:
 126 633.021 Definitions.—As used in this chapter:

127 (5)

128 (d) "Contractor IV" means a contractor whose business is
 129 limited to the execution of contracts requiring the ability to
 130 lay out, fabricate, install, inspect, alter, repair, and service
 131 automatic fire sprinkler systems for occupancies protected
 132 within the scope of the National Fire Protection Association
 133 publication NFPA 13D, Standard for the Installation of Sprinkler
 134 Systems in One- and Two-Family Dwellings and Manufactured Homes
 135 ~~detached one-family dwellings, detached two-family dwellings,~~
 136 ~~and mobile homes,~~ excluding preengineered systems and excluding
 137 single-family homes in cluster units, such as apartments,
 138 condominiums, and assisted living facilities or any building
 139 that is connected to other dwellings.

140

141 The definitions in this subsection must not be construed to
142 include fire protection engineers or architects and do not limit
143 or prohibit a licensed fire protection engineer or architect
144 from designing any type of fire protection system. A distinction
145 is made between system design concepts prepared by the design
146 professional and system layout as defined in this section and
147 typically prepared by the contractor. However, persons certified
148 as a Contractor I, Contractor II, or Contractor IV under this
149 chapter may design fire protection systems of 49 or fewer
150 sprinklers, and may design the alteration of an existing fire
151 sprinkler system if the alteration consists of the relocation,
152 addition, or deletion of not more than 49 sprinklers,
153 notwithstanding the size of the existing fire sprinkler system.
154 A Contractor I, Contractor II, or Contractor IV may design a
155 fire protection system the scope of which complies with NFPA
156 13D, Standard for the Installation of Sprinkler Systems in One-
157 and Two-Family Dwellings and Manufactured Homes, as adopted by
158 the State Fire Marshal, notwithstanding the number of fire
159 sprinklers. Contractor-developed plans may not be required by
160 any local permitting authority to be sealed by a registered
161 professional engineer.

162 (9) A "fire protection system" is a system individually
163 designed to protect the interior or exterior of a specific
164 building or buildings, structure, or other special hazard from
165 fire. Such systems include, but are not limited to, water
166 sprinkler systems, water spray systems, foam-water sprinkler
167 systems, foam-water spray systems, CO2 systems, foam
168 extinguishing systems, dry chemical systems, and Halon and other

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169 chemical systems used for fire protection use. Such systems also
170 include any overhead and underground fire mains, fire hydrants
171 and hydrant mains, standpipes and hoses connected to sprinkler
172 systems, sprinkler tank heaters, air lines, thermal systems used
173 in connection with fire sprinkler systems, and tanks and pumps
174 connected to fire sprinkler systems.

175 Section 2. Subsection (1) of section 633.022, Florida
176 Statutes, is amended to read:

177 633.022 Uniform firesafety standards.—The Legislature
178 hereby determines that to protect the public health, safety, and
179 welfare it is necessary to provide for firesafety standards
180 governing the construction and utilization of certain buildings
181 and structures. The Legislature further determines that certain
182 buildings or structures, due to their specialized use or to the
183 special characteristics of the person utilizing or occupying
184 these buildings or structures, should be subject to firesafety
185 standards reflecting these special needs as may be appropriate.

186 (1) The department shall establish uniform firesafety
187 standards that apply to:

188 (a) All new, existing, and proposed state-owned and state-
189 leased buildings, including state universities.

190 (b) All new, existing, and proposed hospitals, nursing
191 homes, assisted living facilities, adult family-care homes,
192 correctional facilities, public schools, transient public
193 lodging establishments, public food service establishments,
194 elevators, migrant labor camps, mobile home parks, lodging
195 parks, recreational vehicle parks, recreational camps,
196 residential and nonresidential child care facilities, facilities

197 for the developmentally disabled, motion picture and television
 198 special effects productions, tunnels, and self-service gasoline
 199 stations, of which standards the State Fire Marshal is the final
 200 administrative interpreting authority.

201
 202 In the event there is a dispute between the owners of the
 203 buildings specified in paragraph (b) and a local authority
 204 requiring a more stringent uniform firesafety standard for
 205 sprinkler systems, the State Fire Marshal shall be the final
 206 administrative interpreting authority and the State Fire
 207 Marshal's interpretation regarding the uniform firesafety
 208 standards shall be considered final agency action.

209 Section 3. Subsection (11) is added to section 633.025,
 210 Florida Statutes, to read:

211 633.025 Minimum firesafety standards.—

212 (11) (a) The plans for, and inspections of, manufactured
 213 buildings may be completed at the point of manufacture if:

214 1. The person reviewing the plans and inspecting the
 215 manufactured or prototype building is a person currently
 216 certified as a firesafety inspector under s. 633.081(2); and

217 2. The manufacturer's modular data plate, stating that the
 218 building is in compliance with this chapter and the rules of the
 219 department, has been affixed to the building.

220 (b) The local fire official shall recognize and approve
 221 such manufactured building, subject to local fire code
 222 amendments, acceptable performance testing of life safety
 223 systems, and site conditions. The cost of any additional work
 224 necessary to meet these requirements shall be borne by the

225 manufacturer. The department may adopt rules to administer this
 226 subsection.

227 Section 4. Section 633.026, Florida Statutes, is amended
 228 to read:

229 633.026 Legislative intent; informal interpretations of
 230 the Florida Fire Prevention Code.—

231 (1) It is the intent of the Legislature that:

232 (a) The Florida Fire Prevention Code be interpreted by
 233 fire officials and local enforcement agencies in a manner that
 234 protects the public safety, health, and welfare by ensuring
 235 uniform interpretations throughout this state and by providing
 236 processes for resolving disputes regarding such interpretations
 237 which are just and expeditious.

238 (b) Such processes provide for the expeditious resolution
 239 of the issues presented and that the resulting interpretation of
 240 such issues be published on the website of the Division of State
 241 Fire Marshal.

242 (2) The Division of State Fire Marshal shall by rule
 243 establish an informal process of rendering nonbinding
 244 interpretations of the Florida Fire Prevention Code. The
 245 Division of State Fire Marshal may contract with and refer
 246 interpretive issues to a nonprofit organization that has
 247 experience in interpreting and enforcing the Florida Fire
 248 Prevention Code. ~~The Division of State Fire Marshal shall~~
 249 ~~immediately implement the process prior to the completion of~~
 250 ~~formal rulemaking.~~

251 (3) (a) ~~It is the intent of the Legislature that~~ The
 252 Division of State Fire Marshal shall establish ~~create~~ a Fire

253 Code Interpretation Committee composed of seven persons and
 254 seven alternates, equally representing each area of the state
 255 ~~process to refer questions to a small group of individuals~~
 256 ~~certified under s. 633.081(2), to which a party can pose~~
 257 questions regarding the interpretation of Florida Fire
 258 Prevention Code provisions.

259 (b) Each member and alternate member of the Fire Code
 260 Interpretation Committee must be certified as a firesafety
 261 inspector pursuant to s. 633.081 and must have a minimum of 5
 262 years of experience interpreting and enforcing the Florida Fire
 263 Prevention Code and the Life Safety Code. Each member and
 264 alternate member must be approved by the Division of State Fire
 265 Marshal and deemed by the division to have met these
 266 requirements for at least 30 days before participating in a
 267 review of a nonbinding interpretation.

268 (4) Each nonbinding interpretation of code provisions must
 269 be provided within 10 business days after receipt of a request
 270 for an interpretation. The response period established in this
 271 subsection may be waived only with the written consent of the
 272 party requesting the nonbinding interpretation and the Division
 273 of State Fire Marshal. Nonbinding ~~It is the intent of the~~
 274 ~~Legislature that the process provide for the expeditious~~
 275 ~~resolution of the issues presented and publication of the~~
 276 ~~resulting interpretation on the website of the Division of State~~
 277 ~~Fire Marshal. It is the intent of the Legislature that this~~
 278 ~~program be similar to the program established by the Florida~~
 279 ~~Building Commission in s. 553.775(3)(g). Such interpretations~~

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280 shall be advisory only and not binding ~~nonbinding~~ on the parties
 281 or the State Fire Marshal.

282 (5) In order to administer this section, the Division of
 283 State Fire Marshal shall charge ~~department may adopt by rule and~~
 284 ~~impose~~ a fee for each nonbinding interpretation ~~interpretations,~~
 285 ~~with payment made directly to the third party.~~ The fee may not
 286 exceed \$150 for each request for a review or interpretation. The
 287 division may authorize payment of fees directly to the nonprofit
 288 organization under contract pursuant to subsection (2).

289 (6) A party requesting a nonbinding interpretation who
 290 disagrees with the interpretation issued under this section may
 291 apply for a formal interpretation from the State Fire Marshal
 292 pursuant to s. 633.01(6).

293 (7) The Division of State Fire Marshal shall issue or
 294 cause to be issued a nonbinding interpretation of the Florida
 295 Fire Prevention Code pursuant to this section when requested to
 296 do so upon submission of a petition by the owner or owner's
 297 representative, or the contractor or contractor's
 298 representative, of a project in dispute or by a fire official.
 299 The division shall adopt a petition form by rule and the
 300 petition form must be published on the State Fire Marshal's
 301 website. The form shall, at a minimum, require:

302 (a) The name and address of the local fire official,
 303 including the address of the county, municipality, or special
 304 district.

305 (b) The name and address of the owner or owner's
 306 representative or the contractor or contractor's representative.

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307 (c) A statement of the specific sections of the Florida
308 Fire Prevention Code being interpreted by the local fire
309 official.

310 (d) An explanation of how the petitioner's substantial
311 interests are being affected by the local interpretation of the
312 Florida Fire Prevention Code.

313 (e) A statement of the interpretation of the specific
314 sections of the Florida Fire Prevention Code by the local fire
315 official.

316 (f) A statement of the interpretation that the petitioner
317 contends should be given to the specific sections of the Florida
318 Fire Prevention Code and a statement supporting the petitioner's
319 interpretation.

320 (8) Upon receipt of a petition that meets the requirements
321 of subsection (7), the Division of State Fire Marshal shall
322 immediately provide copies of the petition to the Fire Code
323 Interpretation Committee, and shall publish the petition and any
324 response submitted by the local fire official on the State Fire
325 Marshal's website.

326 (9) The committee shall conduct proceedings as necessary
327 to resolve the issues and give due regard to the petition, the
328 facts of the matter at issue, specific code sections cited, and
329 any implications of provisions of state law affecting the
330 Florida Fire Prevention Code. The committee shall issue an
331 interpretation regarding the provisions of the Florida Fire
332 Prevention Code within 10 days after the filing of a petition.
333 The committee shall issue an interpretation based upon the
334 Florida Fire Prevention Code or, if the code is ambiguous, the

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335 intent of the code. The committee's interpretation shall be
336 provided to the petitioner and shall include a notice that, if
337 the petitioner disagrees with the interpretation, the petitioner
338 may file a request for formal interpretation by the State Fire
339 Marshal under s. 633.01(6). The committee's interpretation shall
340 be provided to the State Fire Marshal, and the division shall
341 publish the interpretation on the State Fire Marshal's website
342 and in the Florida Administrative Weekly.

343 Section 5. Section 633.027, Florida Statutes, is amended
344 to read:

345 633.027 Buildings with light-frame truss-type
346 construction; notice requirements; enforcement.—

347 (1) The owner of any commercial or industrial structure,
348 or any multiunit residential structure of three units or more,
349 that uses light-frame truss-type construction shall mark the
350 structure with a sign or symbol approved by the State Fire
351 Marshal in a manner sufficient to warn persons conducting fire
352 control and other emergency operations of the existence of
353 light-frame truss-type construction in the structure.

354 (2) The State Fire Marshal shall adopt rules necessary to
355 implement the provisions of this section, including, but not
356 limited to:

357 (a) The dimensions and color of such sign or symbol.

358 (b) The time within which commercial, industrial, and
359 multiunit residential structures that use light-frame truss-type
360 construction shall be marked as required by this section.

361 (c) The location on each commercial, industrial, and
 362 multiunit residential structure that uses light-frame truss-type
 363 construction where such sign or symbol must be posted.

364 (3) The State Fire Marshal, and local fire officials in
 365 accordance with s. 633.121, shall enforce the provisions of this
 366 section. Any owner who fails to comply with the requirements of
 367 this section is subject to penalties as provided in s. 633.161.

368 (4) This section does not apply to townhouses designed and
 369 constructed in accordance with the Florida Building Code.

370 Section 6. Subsections (1), (2), and (3) of section
 371 633.061, Florida Statutes, are amended to read:

372 633.061 Fire suppression equipment; license to install or
 373 maintain.—

374 (1) (a) It is unlawful for any organization or individual
 375 to engage in the business of servicing, repairing, recharging,
 376 testing, marking, inspecting, installing, or hydrotesting any
 377 fire extinguisher or preengineered system in this state except
 378 in conformity with the provisions of this chapter. Each
 379 organization or individual that engages in such activity must
 380 possess a valid and subsisting license issued by the State Fire
 381 Marshal. All fire extinguishers and preengineered systems
 382 required by statute or by rule must be serviced by an
 383 organization or individual licensed under the provisions of this
 384 chapter. A licensee who receives appropriate training shall not
 385 be prohibited by a manufacturer from servicing any particular
 386 brand of fire extinguisher or preengineered system. The licensee
 387 is legally qualified to act for the business organization in all
 388 matters connected with its business, and the licensee must

389 supervise all activities undertaken by such business
 390 organization. Each licensee shall maintain a specific business
 391 location. A further requirement, in the case of multiple
 392 locations where such servicing or recharging is taking place, is
 393 that each licensee who maintains more than one place of business
 394 where actual work is carried on must possess an additional
 395 license, as set forth in this section, for each location, except
 396 that a licensed individual may not qualify for more than five
 397 locations. A licensee is limited to a specific type of work
 398 performed depending upon the class of license held. Licenses and
 399 license fees are required for the following:

400 1.~~(a)~~ Class A....\$250

401 To service, recharge, repair, install, or inspect all types of
 402 fire extinguishers and to conduct hydrostatic tests on all types
 403 of fire extinguishers.

404 2.~~(b)~~ Class B....\$150

405 To service, recharge, repair, install, or inspect all types of
 406 fire extinguishers, including recharging carbon dioxide units
 407 and conducting hydrostatic tests on all types of fire
 408 extinguishers, except carbon dioxide units.

409 3.~~(c)~~ Class C....\$150

410 To service, recharge, repair, install, or inspect all types of
 411 fire extinguishers, except recharging carbon dioxide units, and
 412 to conduct hydrostatic tests on all types of fire extinguishers,
 413 except carbon dioxide units.

414 4.~~(d)~~ Class D....\$200

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

417 5.~~(e)~~ Licenses issued as duplicates or to reflect a change
 418 of address....\$10

419 (b)1. Any fire equipment dealer licensed pursuant to this
 420 subsection who does not want to engage in the business of
 421 servicing, inspecting, recharging, repairing, hydrotesting, or
 422 installing halon equipment must file an affidavit on a form
 423 provided by the division so stating. Licenses will be issued by
 424 the division to reflect the work authorized thereunder. It is
 425 unlawful, unlicensed activity for any person or firm to falsely
 426 hold himself or herself or a business organization out to
 427 perform any service, inspection, recharge, repair, hydrotest, or
 428 installation except as specifically described in the license.

429 2. Any fire equipment dealer licensed pursuant to this
 430 subsection who wishes to withdraw a previously filed halon
 431 equipment exemption affidavit and engage in the business of
 432 servicing, inspecting, recharging, repairing, hydrotesting, or
 433 installing halon equipment must submit a written statement to
 434 the division requesting the withdrawal of the affidavit. The
 435 dealer must also submit to an inspection by the State Fire
 436 Marshal or his or her designee in order to determine that the
 437 dealer possesses the equipment required to service, recharge,
 438 repair, hydrotest, or install halon equipment and submit a fee
 439 of \$50 for each license and \$10 for each permit associated with
 440 the dealer.

441 (2)(a) Each individual actually performing the work of
 442 servicing, recharging, repairing, hydrotesting, installing,
 443 testing, or inspecting fire extinguishers or preengineered
 444 systems must possess a valid and subsisting permit issued by the

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445 State Fire Marshal. Permittees are limited as to specific type
446 of work performed to allow work no more extensive than the class
447 of license held by the licensee under whom the permittee is
448 working. Permits will be issued by the division and the fees
449 required are as follows:

450 1.~~(a)~~ Portable permit....\$90

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

455 2.~~(b)~~ Preengineered permit....\$120

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

459 3.~~(e)~~ Permits issued as duplicates or to reflect a change
460 of address....\$10

461 (b) Any fire equipment permittee licensed pursuant to this
462 subsection who does not want to engage in servicing, inspecting,
463 recharging, repairing, hydrotesting, or installing halon
464 equipment must file an affidavit on a form provided by the
465 division so stating. Permits will be issued by the division to
466 reflect the work authorized thereunder. It is unlawful,
467 unlicensed activity for any person or firm to falsely hold
468 himself or herself out to perform any service, inspection,
469 recharge, repair, hydrotest, or installation except as
470 specifically described in the permit.

471 (3) (a) Such licenses and permits shall be issued by the
472 State Fire Marshal for 2 years beginning January 1, 2000, and

473 | each 2-year period thereafter and expiring December 31 of the
 474 | second year. All licenses or permits issued will expire on
 475 | December 31 of each odd-numbered year. The failure to renew a
 476 | license or permit by December 31 of the second year will cause
 477 | the license or permit to become inoperative. The holder of an
 478 | inoperative license or permit shall not engage in any activities
 479 | for which a license or permit is required by this section. A
 480 | license or permit which is inoperative because of the failure to
 481 | renew it shall be restored upon payment of the applicable fee
 482 | plus a penalty equal to the applicable fee, if the application
 483 | for renewal is filed no later than the following March 31. If
 484 | the application for restoration is not made before the March
 485 | 31st deadline, the fee for restoration shall be equal to the
 486 | original application fee and the penalty provided for herein,
 487 | and, in addition, the State Fire Marshal shall require
 488 | reexamination of the applicant. The fee for a license or permit
 489 | issued for 1 year or less shall be prorated at 50 percent of the
 490 | applicable fee for a biennial license or permit. Following the
 491 | initial licensure, each licensee or permittee shall successfully
 492 | complete a course or courses of continuing education for fire
 493 | equipment technicians of at least 16 ~~32~~ hours. A license or
 494 | permit may not be renewed unless the licensee or permittee
 495 | produces documentation of the completion of at least 16 hours of
 496 | continuing education for fire equipment technicians during the
 497 | biennial licensure period ~~within 4 years of initial issuance of~~
 498 | ~~a license or permit and within each 4-year period thereafter or~~
 499 | ~~no such license or permit shall be renewed.~~ A person who is both
 500 | a licensee and a permittee shall be required to complete 16 ~~32~~

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501 hours of continuing education during each renewal ~~per 4-year~~
502 period. Each licensee shall ensure that all permittees in his or
503 her employment meet their continuing education requirements. The
504 State Fire Marshal shall adopt rules describing the continuing
505 education requirements and shall have the authority upon
506 reasonable belief, to audit a fire equipment dealer to determine
507 compliance with continuing education requirements.

508 (b) The forms of such licenses and permits and
509 applications therefor shall be prescribed by the State Fire
510 Marshal; in addition to such other information and data as that
511 officer determines is appropriate and required for such forms,
512 there shall be included in such forms the following matters.
513 Each such application shall be in such form as to provide that
514 the data and other information set forth therein shall be sworn
515 to by the applicant or, if a corporation, by an officer thereof.
516 An application for a permit shall include the name of the
517 licensee employing such permittee, and the permit issued in
518 pursuance of such application shall also set forth the name of
519 such licensee. A permit is valid solely for use by the holder
520 thereof in his or her employment by the licensee named in the
521 permit.

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

525 1. The applicant has submitted to the State Fire Marshal
526 evidence of registration as a Florida corporation or evidence of
527 compliance with s. 865.09.

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528 2. The State Fire Marshal or his or her designee has by
529 inspection determined that the applicant possesses the equipment
530 required for the class of license sought. The State Fire Marshal
531 shall give an applicant a reasonable opportunity to correct any
532 deficiencies discovered by inspection. A fee of \$50, payable to
533 the State Fire Marshal, shall be required for any subsequent
534 reinspection. To obtain such inspection, an applicant with
535 facilities located outside this state must:

536 a. Provide a notarized statement from an engineer licensed
537 by the applicant's state of domicile certifying that the
538 applicant possesses the equipment required for the class of
539 license sought and that all such equipment is operable; or

540 b. Allow the State Fire Marshal or his or her designee to
541 inspect the facility. All costs associated with the State Fire
542 Marshal's conduction of the inspection shall be paid by the
543 applicant. The State Fire Marshal shall, in accordance with s.
544 120.54, adopt by rule standards for the calculation and
545 establishment of the amount of costs associated with any
546 inspection conducted by the State Fire Marshal under this
547 section. Such rules shall include procedures for invoicing and
548 receiving funds in advance of the inspection.

549 3. The applicant has submitted to the State Fire Marshal
550 proof of insurance providing coverage for comprehensive general
551 liability for bodily injury and property damage, products
552 liability, completed operations, and contractual liability. The
553 State Fire Marshal shall adopt rules providing for the amounts
554 of such coverage, but such amounts shall not be less than
555 \$300,000 for Class A or Class D licenses, \$200,000 for Class B

556 licenses, and \$100,000 for Class C licenses; and the total
557 coverage for any class of license held in conjunction with a
558 Class D license shall not be less than \$300,000. The State Fire
559 Marshal may, at any time after the issuance of a license or its
560 renewal, require upon demand, and in no event more than 30 days
561 after notice of such demand, the licensee to provide proof of
562 insurance, on a form provided by the State Fire Marshal,
563 containing confirmation of insurance coverage as required by
564 this chapter. Failure, for any length of time, to provide proof
565 of insurance coverage as required shall result in the immediate
566 suspension of the license until proof of proper insurance is
567 provided to the State Fire Marshal. An insurer which provides
568 such coverage shall notify the State Fire Marshal of any change
569 in coverage or of any termination, cancellation, or nonrenewal
570 of any coverage.

571 4. The applicant applies to the State Fire Marshal and
572 successfully completes a prescribed training course offered by
573 the State Fire College or an equivalent course approved by the
574 State Fire Marshal. This subparagraph does not apply to any
575 holder of or applicant for a permit under paragraph (f) or to a
576 business organization or a governmental entity seeking initial
577 licensure or renewal of an existing license solely for the
578 purpose of inspecting, servicing, repairing, marking,
579 recharging, and maintaining fire extinguishers used and located
580 on the premises of and owned by such organization or entity.

581 5. The applicant has a current retestor identification
582 number that is appropriate for the license for which the

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583 applicant is applying and that is listed with the United States
584 Department of Transportation.

585 6. The applicant has passed, with a grade of at least 70
586 percent, a written examination testing his or her knowledge of
587 the rules and statutes regulating the activities authorized by
588 the license and demonstrating his or her knowledge and ability
589 to perform those tasks in a competent, lawful, and safe manner.
590 Such examination shall be developed and administered by the
591 State Fire Marshal, or his or her designee in accordance with
592 policies and procedures of the State Fire Marshal. An applicant
593 shall pay a nonrefundable examination fee of \$50 for each
594 examination or reexamination scheduled. No reexamination shall
595 be scheduled sooner than 30 days after any administration of an
596 examination to an applicant. No applicant shall be permitted to
597 take an examination for any level of license more than a total
598 of four times during 1 year, regardless of the number of
599 applications submitted. As a prerequisite to licensure of the
600 applicant:

601 a. Must be at least 18 years of age.

602 b. Must have 4 years of proven experience as a fire
603 equipment permittee at a level equal to or greater than the
604 level of license applied for or have a combination of education
605 and experience determined to be equivalent thereto by the State
606 Fire Marshal. Having held a permit at the appropriate level for
607 the required period constitutes the required experience.

608 c. Must not have been convicted of, or pled nolo
609 contendere to, any felony. If an applicant has been convicted of

610 any such felony, the applicant must comply with s.
 611 112.011(1) (b) .

612
 613 This subparagraph does not apply to any holder of or applicant
 614 for a permit under paragraph (f) or to a business organization
 615 or a governmental entity seeking initial licensure or renewal of
 616 an existing license solely for the purpose of inspecting,
 617 servicing, repairing, marking, recharging, hydrotesting, and
 618 maintaining fire extinguishers used and located on the premises
 619 of and owned by such organization or entity.

620 ~~(d) An applicant who fails the examination may take it~~
 621 ~~three more times during the 1-year period after he or she~~
 622 ~~originally filed an application for the examination. If the~~
 623 ~~applicant fails the examination within 1 year after the~~
 624 ~~application date and seeks to retake the examination, he or she~~
 625 ~~must file a new application, pay the application and examination~~
 626 ~~fees, and successfully complete a prescribed training course~~
 627 ~~approved by the State Fire College or an equivalent course~~
 628 ~~approved by the State Fire Marshal. An applicant may not submit~~
 629 ~~a new application within 6 months after the date of his or her~~
 630 ~~last reexamination.~~

631 (d)~~(e)~~ A fire equipment dealer licensed under this section
 632 may apply to upgrade the license currently held, if the licensed
 633 dealer:

- 634 1. Submits an application for the license on a form in
 635 conformance with paragraph (b). The application must be
 636 accompanied by a fee as prescribed in subsection (1) for the
 637 type of license requested.

638 2. Provides evidence of 2 years' experience as a licensed
 639 dealer and meets such relevant educational requirements as are
 640 established by rule by the State Fire Marshal for purposes of
 641 upgrading a license.

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

643 (e) A fire equipment dealer licensed under this section
 644 may apply to downgrade the license currently held by the dealer,
 645 if the dealer:

646 1. Submits an application for the downgraded license on a
 647 form in conformance with paragraph (b). The application must be
 648 accompanied by a fee as prescribed in subsection (1) for the
 649 type of license requested.

650 2. Submits proof of insurance providing coverage meeting
 651 the requirements prescribed in subparagraph (c)3.

652 3. Submits a fee of \$10 for every permit associated with
 653 the license to be downgraded.

654 (f) A ~~No~~ permit of any class may not ~~shall~~ be issued or
 655 renewed to a person by the State Fire Marshal, and a ~~no~~ permit
 656 of any class may not ~~shall~~ remain operative, unless the person
 657 has:

658 1. Submitted a nonrefundable examination fee in the amount
 659 of \$50.~~7~~

660 2. Successfully completed a training course offered by the
 661 State Fire College or an equivalent course approved by the State
 662 Fire Marshal.~~7~~ ~~and~~

663 3. Passed, with a grade of at least 70 percent, a written
 664 examination testing his or her knowledge of the rules and
 665 statutes regulating the activities authorized by the permit and

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666 demonstrating his or her knowledge and ability to perform those
667 tasks in a competent, lawful, and safe manner. Such examination
668 shall be developed and administered by the State Fire Marshal in
669 accordance with the policies and procedures of the State Fire
670 Marshal. An examination fee shall be paid for each examination
671 scheduled. No reexamination shall be scheduled sooner than 30
672 days after any administration of an examination to an applicant.
673 No applicant shall be permitted to take an examination for any
674 level of permit more than four times during 1 year, regardless
675 of the number of applications submitted. As a prerequisite to
676 taking the permit examination, the applicant must be at least 16
677 years of age.

678 (g) An applicant for a license or permit under this
679 section who fails the examination may take the examination ~~it~~
680 three more times during the 1-year period after he or she
681 originally filed an application for the examination. If the
682 applicant fails the examination within 1 year after the
683 application date and he or she seeks to retake the examination,
684 he or she must file a new application, pay the application and
685 examination fees, and successfully complete a prescribed
686 training course offered by the State Fire College or an
687 equivalent course approved by the State Fire Marshal. The
688 applicant may not submit a new application within 6 months after
689 the date of his or her last reexamination. An applicant who
690 passes the examination but does not meet the remaining
691 qualifications prescribed by law and rule within 1 year after
692 the application date must file a new application, pay the
693 application and examination fee, successfully complete a

694 prescribed training course approved by the State Fire College or
 695 an equivalent course approved by the State Fire Marshal, and
 696 pass the written examination.

697 Section 7. Subsection (3) of section 633.071, Florida
 698 Statutes, is amended to read:

699 633.071 Standard service tag required on all fire
 700 extinguishers and preengineered systems; serial number required
 701 on all portable fire extinguishers; standard inspection tags
 702 required on all fire protection systems.—

703 (3) The State Fire Marshal shall adopt by rule
 704 specifications as to the method of attachment and placement,
 705 size, shape, color, information, and data contained thereon of
 706 inspection tags to be attached to all types of fire protection
 707 systems and information required on an inspection report of such
 708 an inspection.

709 Section 8. Section 633.081, Florida Statutes, is amended
 710 to read:

711 633.081 Inspection of buildings and equipment; orders;
 712 firesafety inspection training requirements; certification;
 713 disciplinary action.—The State Fire Marshal and her or his
 714 agents may ~~shall~~, at any reasonable hour, when the State Fire
 715 Marshal ~~department~~ has reasonable cause to believe that a
 716 violation of this chapter or s. 509.215, or a rule promulgated
 717 thereunder, or a minimum firesafety code adopted by the State
 718 Fire Marshal or a local authority, may exist, inspect any and
 719 all buildings and structures which are subject to the
 720 requirements of this chapter or s. 509.215 and rules promulgated
 721 thereunder. The authority to inspect shall extend to all

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722 equipment, vehicles, and chemicals which are located on or
723 within the premises of any such building or structure.

724 (1) Each county, municipality, and special district that
725 has firesafety enforcement responsibilities shall employ or
726 contract with a firesafety inspector. The firesafety inspector
727 must conduct all firesafety inspections that are required by
728 law, except as provided in subsection (4) and s. 633.082(2). The
729 governing body of a county, municipality, or special district
730 that has firesafety enforcement responsibilities may provide a
731 schedule of fees to pay only the costs of inspections conducted
732 pursuant to this subsection and related administrative expenses.
733 Two or more counties, municipalities, or special districts that
734 have firesafety enforcement responsibilities may jointly employ
735 or contract with a firesafety inspector.

736 (2) Except as provided in subsection (4) and s.
737 633.082(2), every firesafety inspection conducted pursuant to
738 state or local firesafety requirements shall be by a person
739 certified as having met the inspection training requirements set
740 by the State Fire Marshal. Such person shall:

741 (a) Be a high school graduate or the equivalent as the
742 term may be determined by the division. ~~department;~~

743 (b) Not have been found guilty of, or having pled ~~pleaded~~
744 guilty or nolo contendere to, a felony or a crime punishable by
745 imprisonment of 1 year or more under the laws ~~law~~ of the United
746 States, or of any state thereof, or under the laws of any other
747 country. An applicant for certification as a firesafety
748 inspector with a prior felony conviction shall be excluded from
749 such certification for a period of 4 years after expiration of

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750 the sentence or final release by the Parole Commission unless
751 the applicant, prior to the expiration of the 4-year period, has
752 received a full pardon or has had his or her civil rights
753 restored. However, a person may be denied certification by the
754 state, any of its agencies or political subdivisions, or any
755 municipality by reason of the prior conviction for a crime if
756 the crime was a felony or first degree misdemeanor and was
757 directly related to the duties authorized under the
758 certification. ~~which involves moral turpitude, without regard to~~
759 ~~whether a judgment of conviction has been entered by the court~~
760 ~~having jurisdiction of such cases;~~

761 (c) Have her or his fingerprints on file with the
762 department or with an agency designated by the department. †

763 (d) Have good moral character as determined by the
764 department. †

765 (e) Be at least 18 years of age. †

766 (f) Have satisfactorily completed the firesafety inspector
767 certification examination as prescribed by the department. † ~~and~~

768 (g)1. Have satisfactorily completed, as determined by the
769 department, a firesafety inspector training program of not less
770 than 200 hours established by the department and administered by
771 agencies and institutions approved by the department for the
772 purpose of providing basic certification training for firesafety
773 inspectors; or

774 2. Have received in another state training which is
775 determined by the department to be at least equivalent to that
776 required by the department for approved firesafety inspector
777 education and training programs in this state.

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778 (3)(a)1. Effective July 1, 2012, the classification of
779 special state firesafety inspector is abolished and all special
780 state firesafety inspector certifications shall expire at
781 midnight June 30, 2012.

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

786 3. A special state firesafety inspector certificate may
787 not be issued after June 30, 2010.

788 (b)1. Any person who is a special state firesafety
789 inspector on July 1, 2010, and who has at least 5 years of
790 experience as a special state firesafety inspector as of July 1,
791 2010, may take the firesafety inspection examination as provided
792 in paragraph (2)(f) for firesafety inspectors before July 1,
793 2012, to be certified as a firesafety inspector under this
794 section.

795 2. Upon passing the examination, the person shall be
796 certified as a firesafety inspector as provided in this section.

797 3. A person who fails to become certified must comply with
798 paragraph (c) to be certified as a firesafety inspector under
799 this section.

800 (c)1. To be certified as a firesafety inspector under this
801 section, any person who:

802 a. Is a special state firesafety inspector on July 1,
803 2010, and who does not have 5 years of experience as a special
804 state firesafety inspector as of July 1, 2010; or

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805 b. Has 5 years of experience as a special state firesafety
806 inspector but has failed the examination taken as provided in
807 paragraph (2) (f),
808
809 must take an additional 80 hours of the courses described in
810 paragraph (2) (g).

811 2. After successfully completing the courses described in
812 this paragraph, such person may take the firesafety inspection
813 examination as provided in (2) (f), if such examination is taken
814 before July 1, 2012.

815 3. Upon passing the examination, the person shall be
816 certified as a firesafety inspector as provided in this section.

817 4. A person who fails the course of study or the
818 examination described in this paragraph may not perform any
819 firesafety inspection required by law on or after July 1, 2012.
820 ~~Each special state firesafety inspection which is required by~~
821 ~~law and is conducted by or on behalf of an agency of the state~~
822 ~~must be performed by an individual who has met the provision of~~
823 ~~subsection (2), except that the duration of the training program~~
824 ~~shall not exceed 120 hours of specific training for the type of~~
825 ~~property that such special state firesafety inspectors are~~
826 ~~assigned to inspect.~~

827 (4) A firefighter certified pursuant to s. 633.35 may
828 conduct firesafety inspections, under the supervision of a
829 certified firesafety inspector, while on duty as a member of a
830 fire department company conducting inservice firesafety
831 inspections without being certified as a firesafety inspector,
832 if such firefighter has satisfactorily completed an inservice

833 fire department company inspector training program of at least
 834 24 hours' duration as provided by rule of the department.

835 (5) Every firesafety inspector ~~or special state firesafety~~
 836 ~~inspector~~ certificate is valid for a period of 3 years after
 837 ~~from~~ the date of issuance. Renewal of certification shall be
 838 subject to the affected person's completing proper application
 839 for renewal and meeting all of the requirements for renewal as
 840 established under this chapter or by rule adopted under this
 841 chapter promulgated thereunder, which shall include completion
 842 of at least 40 hours during the preceding 3-year period of
 843 continuing education as required by the rule of the department
 844 or, in lieu thereof, successful passage of an examination as
 845 established by the department.

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

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

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

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

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

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

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

863 (g) Making or filing a report or record that the
 864 certificateholder knows to be false, or knowingly inducing
 865 another to file a false report or record, or knowingly failing
 866 to file a report or record required by state or local law, or
 867 knowingly impeding or obstructing such filing, or knowingly
 868 inducing another person to impede or obstruct such filing.

869 (h) Failing to properly enforce applicable fire codes or
 870 permit requirements within this state which the
 871 certificateholder knows are applicable by committing willful
 872 misconduct, gross negligence, gross misconduct, repeated
 873 negligence, or negligence resulting in a significant danger to
 874 life or property.

875 (i) Accepting labor, services, or materials at no charge
 876 or at a noncompetitive rate from any person who performs work
 877 that is under the enforcement authority of the certificateholder
 878 and who is not an immediate family member of the
 879 certificateholder. For the purpose of this paragraph, the term
 880 "immediate family member" means a spouse, child, parent,
 881 sibling, grandparent, aunt, uncle, or first cousin of the person
 882 or the person's spouse or any person who resides in the primary
 883 residence of the certificateholder.

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

886 (8) The State Fire Marshal may develop by rule an advanced
 887 training and certification program for firesafety inspectors

888 with fire code management responsibilities. This program must be
 889 consistent with the appropriate provisions of the National Fire
 890 Protection Association publication NFPA 1037, Standard for
 891 Professional Qualifications for Fire Marshal, or similar
 892 standards adopted by the division. The program must establish
 893 minimum training, education, and experience levels for fire
 894 safety inspectors with fire code management responsibilities.

895 (9) The Division of State Fire Marshal and the Florida
 896 Building Code Administrators and Inspectors Board established
 897 pursuant to s. 468.605 shall enter into a reciprocity agreement
 898 to facilitate joint recognition of continuing education
 899 recertification hours for certificateholders licensed in
 900 accordance with s. 468.609 and firesafety inspectors certified
 901 under this section.

902 Section 9. Subsection (2) of section 633.082, Florida
 903 Statutes, is amended, and subsection (6) is added to that
 904 section, to read:

905 633.082 Inspection of fire control systems, fire hydrants,
 906 and fire protection systems.—

907 (2) Fire hydrants and fire protection systems installed in
 908 public and private properties, except one-family or two-family
 909 dwellings, in this state shall be inspected following procedures
 910 established in the nationally recognized inspection, testing,
 911 and maintenance standards NFPA-24 and NFPA-25 as set forth in
 912 the edition adopted by the State Fire Marshal. Quarterly,
 913 annual, 3-year, and 5-year inspections consistent with the
 914 contractual provisions with the owner shall be conducted by the

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915 certificateholder or permittees employed by the
916 certificateholder pursuant to s. 633.521.

917 (a) All alarm systems shall be serviced, tested, repaired,
918 inspected, and improved in compliance with the provisions of the
919 applicable standards of the National Fire Protection Association
920 adopted by the State Fire Marshal pursuant to ss. 633.071 and
921 633.701.

922 (b) Fire hydrants owned by public governmental entities
923 shall be inspected following procedures established in the
924 nationally recognized inspection, testing, and maintenance
925 standards adopted by the State Fire Marshal. County, municipal,
926 and special district utilities may comply with this section with
927 designated employees notwithstanding the requirements of s.
928 633.081. However, private contractors must be licensed pursuant
929 to this chapter.

930 (c) Fire protection systems installed in public and
931 private properties, and private hydrants that are attached to
932 and an integral part of the fire protection system, shall be
933 inspected following procedures established in the nationally
934 recognized inspection, testing, and maintenance standards
935 adopted by the State Fire Marshal.

936 (6) The owner shall replace any fire sprinkler heads that
937 have been identified by a governmental regulatory agency as
938 subject to a recall for a material defect in design or
939 workmanship.

940 Section 10. Paragraph (a) of subsection (1) and
941 subsections (2), (3), and (4) of section 633.085, Florida
942 Statutes, are amended to read:

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943 633.085 Inspections of state buildings and premises; tests
 944 of firesafety equipment; building plans to be approved.—

945 (1) (a) It is the duty of the State Fire Marshal and her or
 946 his agents to inspect, or cause to be inspected, each state-
 947 owned building, and each building located on land owned by the
 948 state and used primarily for state purposes as determined by the
 949 State Fire Marshal with such building for purposes of this
 950 section referred to as a state-owned building, on a recurring
 951 basis established by rule, and to ensure that high-hazard
 952 occupancies are inspected at least annually, for the purpose of
 953 ascertaining and causing to be corrected any conditions liable
 954 to cause fire or endanger life from fire and any violation of
 955 the firesafety standards for state-owned buildings, the
 956 provisions of this chapter, or the rules or regulations adopted
 957 and promulgated pursuant hereto. The State Fire Marshal shall,
 958 within 7 days following an inspection, submit a report of such
 959 inspection to the head of the department of state government
 960 responsible for the building.

961 (2) The State Fire Marshal and her or his agents may ~~shall~~
 962 conduct performance tests on any electronic fire warning and
 963 smoke detection system, and any pressurized air-handling unit,
 964 in any state-owned building or state-leased space on a recurring
 965 basis as provided in subsection (1). The State Fire Marshal and
 966 her or his agents shall also ensure that fire drills are
 967 conducted in all high-hazard state-owned building or high-hazard
 968 state-leased ~~high-hazard~~ occupancies at least annually.

969 (3) All construction of any new, or renovation,
 970 alteration, or change of occupancy of any existing, state-owned

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971 building or state-leased building or space shall comply with the
972 uniform firesafety standards of the State Fire Marshal.

973 (a) For all new construction or renovation, alteration, or
974 change of occupancy of state-leased space, compliance with the
975 uniform firesafety standards shall be determined by reviewing
976 the plans for the proposed construction or occupancy submitted
977 by the lessor to the Division of State Fire Marshal for review
978 and approval prior to commencement of construction or occupancy,
979 which review shall be completed within 10 working days after
980 receipt of the plans by the Division of State Fire Marshal.

981 (b) The plans for all construction of any new, or
982 renovation or alteration of any existing, state-owned building
983 are subject to the review and approval of the Division of State
984 Fire Marshal for compliance with the uniform firesafety
985 standards prior to commencement of construction or change of
986 occupancy, which review shall be completed within 30 calendar
987 days of receipt of the plans by the Division of State Fire
988 Marshal.

989 (4) The Division of State Fire Marshal may inspect state-
990 owned buildings and space and state-leased buildings and space
991 as necessary prior to occupancy or during construction,
992 renovation, or alteration to ascertain compliance with the
993 uniform firesafety standards. Whenever the Division of State
994 Fire Marshal determines by virtue of such inspection or by
995 review of plans that construction, renovation, or alteration of
996 state-owned buildings and state-leased space is not in
997 compliance with the uniform firesafety standards, the Division
998 of State Fire Marshal shall issue an order to cease

999 construction, renovation, or alteration, or to preclude
 1000 occupancy, of a building until compliance is obtained, except
 1001 for those activities required to achieve such compliance.

1002 Section 11. Subsections (1) and (3) of section 633.161,
 1003 Florida Statutes, are amended to read:

1004 633.161 Violations; orders to cease and desist, correct
 1005 hazardous conditions, preclude occupancy, or vacate;
 1006 enforcement; penalties.—

1007 (1) If it is determined by the department that a violation
 1008 specified in this subsection exists, the State Fire Marshal or
 1009 her or his agent ~~deputy~~ may issue and deliver to the person
 1010 committing the violation an order to cease and desist from such
 1011 violation, to correct any hazardous condition, to preclude
 1012 occupancy of the affected building or structure, or to vacate
 1013 the premises of the affected building or structure. Such
 1014 violations consist of ~~are~~:

1015 (a) Except as set forth in paragraph (b), a violation of
 1016 any provision of this chapter, of any rule adopted pursuant
 1017 thereto, of any applicable uniform firesafety standard adopted
 1018 pursuant to s. 633.022 which is not adequately addressed by any
 1019 alternative requirements adopted on a local level, or of any
 1020 minimum firesafety standard adopted pursuant to s. 394.879.

1021 (b) A substantial violation of an applicable minimum
 1022 firesafety standard adopted pursuant to s. 633.025 which is not
 1023 reasonably addressed by any alternative requirement imposed at
 1024 the local level, or an unreasonable interpretation of an
 1025 applicable minimum firesafety standard, and which violation or
 1026 interpretation clearly constitutes a danger to lifesafety.

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1027 (c) A building or structure which is in a dilapidated
 1028 condition and as a result thereof creates a danger to life,
 1029 safety, or property.

1030 (d) A building or structure which contains explosive
 1031 matter or flammable liquids or gases constituting a danger to
 1032 life, safety, or property.

1033 (e) Any organization that acts as or offers to act as a
 1034 fire department that is not designated as a fire department by a
 1035 political subdivision of the state.

1036 (3) Any person who violates or fails to comply with any
 1037 order under subsection (1) or subsection (2) commits ~~is guilty~~
 1038 ~~of~~ a misdemeanor, punishable as provided in s. 633.171.

1039 Section 12. Section 633.30, Florida Statutes, is amended
 1040 to read:

1041 633.30 Standards for firefighting; definitions.—As used in
 1042 this chapter, the term:

1043 (1) "Career firefighter" means any person who is
 1044 compensated at an hourly rate or is salaried and whose work
 1045 hours are scheduled in advance to maintain a schedule of
 1046 coverage at a state facility or area to function as described in
 1047 subsection (8).

1048 ~~(2)(4)~~ "Council" means the Firefighters Employment,
 1049 Standards, and Training Council.

1050 (3) "Department" means the Department of Financial
 1051 Services.

1052 ~~(4)(5)~~ "Division" means the Division of State Fire Marshal
 1053 of the Department of Financial Services.

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1054 (5)~~(2)~~ "Employing agency" means any municipality or
1055 county, the state, or any political subdivision of the state,
1056 including authorities and special districts, employing
1057 firefighters as defined in subsection (8) ~~(1)~~.

1058 (6) "Fire department" means an organization designated by
1059 a county, municipality, or independent special fire control
1060 district to provide emergency responses for the protection of
1061 life and property within a specified geographical area.

1062 (7) "Fire service aide" means a high school student or
1063 other individual who completes a course of instruction and
1064 examination approved by the division that includes specified
1065 components of firefighter I and II certification in accordance
1066 with the division's rules.

1067 (8)~~(1)~~ "Firefighter" means any person ~~initially employed~~
1068 ~~as a full-time professional firefighter by any employing agency,~~
1069 ~~as defined herein,~~ whose primary responsibility is the emergency
1070 response to fires and other emergencies, the prevention and
1071 extinguishment of fires, the protection and saving of life and
1072 property, and the enforcement of municipal, county, and state
1073 fire prevention codes, as well as of any law pertaining to the
1074 prevention and control of fires.

1075 (9) "Firefighter I" means the classification for a person
1076 who has successfully completed the firefighter I training
1077 program and is certified at level I in accordance with the
1078 division's rules.

1079 (10) "Firefighter II" means the classification for a
1080 person who has successfully completed the firefighter II
1081 training program and is certified at level II in accordance with

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1082 the division's rules. Firefighter II classification is the
 1083 minimum level of certification to function as a career
 1084 firefighter.

1085 Section 13. Section 633.34, Florida Statutes, is amended
 1086 to read:

1087 633.34 Firefighters; qualifications for employment.-

1088 (1) Any individual person applying for employment or
 1089 training as a firefighter must:

1090 (a)(1) Be a high school graduate or the equivalent, as the
 1091 term may be determined by the division, and at least 18 years of
 1092 age.

1093 (b)(2) Not ~~Neither~~ have been found guilty convicted of or
 1094 pled guilty or a felony or of a misdemeanor directly related to
 1095 ~~the position of employment sought, nor have pled nolo contendere~~
 1096 to any charge of a felony or a crime punishable by imprisonment
 1097 of 1 year or more under the laws of the United States or of any
 1098 state thereof or under the laws of any other country. ~~If an~~
 1099 ~~applicant has been convicted of a felony, such applicant must be~~
 1100 ~~in compliance with s. 112.011(2)(b).~~ ~~If an applicant has been~~
 1101 ~~convicted of a misdemeanor directly related to the position of~~
 1102 ~~employment sought, such applicant shall be excluded from~~
 1103 ~~employment for a period of 4 years after expiration of sentence.~~
 1104 ~~If the sentence is suspended or adjudication is withheld in a~~
 1105 ~~felony charge or in a misdemeanor directly related to the~~
 1106 ~~position or employment sought and a period of probation is~~
 1107 ~~imposed, the applicant must have been released from probation.~~

1108 (c)(3) Have paid the required fee for fingerprint
 1109 processing and submitted fingerprints as directed by the

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1110 division. ~~Submit a fingerprint card to the division with a~~
1111 ~~current processing fee. The fingerprints shall fingerprint card~~
1112 ~~will~~ be forwarded to the Department of Law Enforcement and
1113 ~~and/or~~ the Federal Bureau of Investigation for analysis pursuant
1114 to s. 624.34.

1115 ~~(4) Have a good moral character as determined by~~
1116 ~~investigation under procedure established by the division.~~

1117 (d)(5) Be in good physical condition as determined by a
1118 recent medical examination, conducted in accordance with the
1119 medical requirements for training and certification as set forth
1120 in rules adopted by the division, given by a physician, surgeon,
1121 or physician assistant licensed to practice in the state
1122 pursuant to chapter 458; an osteopathic physician, surgeon, or
1123 physician assistant licensed to practice in the state pursuant
1124 to chapter 459; or an advanced registered nurse practitioner
1125 licensed to practice in the state pursuant to chapter 464. ~~Such~~
1126 ~~examination may include, but need not be limited to, provisions~~
1127 ~~of the National Fire Protection Association Standard 1582.~~
1128 Results of such A medical examination evidencing good physical
1129 condition shall be submitted to the division, on a form as
1130 provided by rule, before an individual is eligible for admission
1131 into a firefighter training program as defined in s. 633.35.

1132 (e)(6) Be a nonuser of tobacco or tobacco products for at
1133 least 1 year immediately preceding application or employment or
1134 commencement of training for certification as a career
1135 firefighter, as evidenced by the sworn affidavit of the
1136 applicant. A career firefighter certified after December 31,
1137 2010, must be a nonuser of tobacco as a condition of employment.

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1138 (2) An individual who does not hold a fire service aide,
 1139 firefighter I, or firefighter II certificate may not engage in
 1140 any operations that require the knowledge and skills taught in
 1141 the training programs established by the division, regardless of
 1142 volunteer or employment status.

1143 Section 14. Section 633.35, Florida Statutes, is amended
 1144 to read:

1145 633.35 Firefighter training and certification.—

1146 (1) The division shall adopt rules to establish a
 1147 firefighter training programs for certification as a fire
 1148 service aide, a firefighter I, and a firefighter II, to be
 1149 ~~program of not less than 360 hours,~~ administered by such
 1150 agencies and institutions approved by the division in accordance
 1151 with division rules ~~as it approves~~ for the purpose of providing
 1152 ~~basic employment~~ training for firefighters. Nothing herein shall
 1153 require a public employer to pay the cost of such training.
 1154 Certificates of compliance previously issued by this state that
 1155 do not identify Level I or Level II but that comply with the
 1156 requirements of ss. 633.351 and 633.352 shall remain in effect.

1157 (2) The division shall issue certificates ~~a certificate~~ of
 1158 compliance for certification as a fire service aide, a
 1159 firefighter I, and a firefighter II to any individual ~~person~~ who
 1160 has satisfactorily completed ~~complying with~~ the training
 1161 programs ~~program~~ established in subsection (1), who has
 1162 successfully passed an examination as prescribed by the
 1163 division, and who possesses the qualifications specified ~~for~~
 1164 employment in s. 633.34, ~~except s. 633.34(5).~~ An individual ~~No~~
 1165 ~~person~~ may not be employed as a career ~~regular or permanent~~

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1166 firefighter by an employing agency, or by a private entity under
1167 contract with the state or any political subdivision of the
1168 state, including authorities and special districts, unless the
1169 individual is certified as a firefighter II, except for an
1170 individual hired to be trained and become certified as a
1171 firefighter II. An individual hired to be trained and become
1172 certified as a firefighter II has no longer than ~~for a period of~~
1173 ~~time in excess of~~ 1 year after ~~from~~ the date of initial
1174 employment to obtain the firefighter II ~~until he or she has~~
1175 ~~obtained such~~ certificate of compliance. An individual ~~A person~~
1176 who does not hold a firefighter II certificate of compliance and
1177 is employed under this section may not directly engage in
1178 hazardous operations, such as interior structural firefighting
1179 and hazardous-materials-incident mitigation, requiring the
1180 knowledge and skills taught in a training program established in
1181 subsection (1). However, a current member of an employing agency
1182 ~~person~~ who is certified as a fire service aide or a firefighter
1183 ~~I has served as a volunteer firefighter with the state or any~~
1184 ~~political subdivision of the state, including authorities and~~
1185 ~~special districts,~~ who is then employed as a career ~~regular or~~
1186 ~~permanent~~ firefighter by the same employing agency may function,
1187 during this initial 1-year period, in the same capacity in which
1188 he or she acted prior to being employed as a career firefighter
1189 by the employing agency as a volunteer firefighter, ~~provided~~
1190 ~~that he or she has completed all training required by the~~
1191 ~~volunteer organization.~~

1192 (3) The division may issue a certificate of compliance as
1193 a firefighter I or firefighter II to any individual ~~person~~ who

1194 has received basic employment training for firefighters in
 1195 another state when the division has determined that such
 1196 training was at least equivalent to that required by the
 1197 division for approved firefighter education and training
 1198 programs in this state and when such person has satisfactorily
 1199 complied with all other requirements of this section.

1200 (4) The division may also issue a Fire Service
 1201 Administrative and Command Head ~~special~~ certificate to an
 1202 individual ~~a person~~ who received training in another state and
 1203 is otherwise qualified under this section and who is employed as
 1204 the administrative and command head of a fire/rescue/emergency
 1205 services organization, based on the acknowledgment that such
 1206 individual ~~person~~ is less likely to need physical dexterity and
 1207 more likely to need advanced knowledge of firefighting and
 1208 supervisory skills. For purposes of this subsection:

1209 (a) The certificate is valid only while the individual
 1210 ~~person~~ is serving in a position as an administrative and command
 1211 head of a fire/rescue/emergency services organization.

1212 (b) The certificateholder is limited at emergency scenes
 1213 to command and control functions.

1214 (c) From the date of being hired, the individual has 1
 1215 year to acquire the certificate. During the period from being
 1216 hired to the issuance of the special certificate, the individual
 1217 may operate only in an administrative capacity and may not
 1218 engage in any emergency activity including command and control
 1219 functions at such emergencies.

1220 (d) If at the end of the 1-year period, the individual has
 1221 not acquired the certificate, the employing agency shall

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1222 terminate the employment of the individual or submit an
 1223 affidavit approved by the division attesting that the individual
 1224 functions only in an administrative capacity.

1225 (5)~~(4)~~ An applicant ~~A person~~ who fails a required ~~an~~
 1226 examination given under this section may retake the examination
 1227 once within 6 months after the original examination date. An
 1228 applicant who does not pass ~~retake~~ the examination within such
 1229 time must repeat or take the applicable training program ~~take~~
 1230 ~~the Minimum Standards Course,~~ pursuant to subsection (1)~~,~~ before
 1231 being reexamined. The division may establish reasonable
 1232 preregistration deadlines for such reexaminations.

1233 (6)~~(5)~~ Pursuant to s. 590.02(1)(e), the division shall
 1234 establish a structural fire training program of not less than 40
 1235 hours. The division shall issue to any person satisfactorily
 1236 complying with this training program and who has successfully
 1237 passed an examination as prescribed by the division and who has
 1238 met the requirements of s. 590.02(1)(e) a Certificate of
 1239 Forestry Firefighter.

1240 (7)~~(6)~~ A certified forestry firefighter is entitled to the
 1241 same rights, privileges, and benefits provided for by law as a
 1242 career ~~certified~~ firefighter.

1243 Section 15. Section 633.351, Florida Statutes, is amended
 1244 to read:

1245 633.351 Disciplinary action; firefighters; standards for
 1246 revocation of certification.—

1247 (1) The certification of a firefighter shall be revoked by
 1248 the department if evidence is found that the certification was
 1249 improperly issued by the division or if evidence is found that

1250 the certification was issued on the basis of false, incorrect,
 1251 incomplete, or misleading information.

1252 (2) The department shall revoke the certification of a
 1253 firefighter who has been found guilty of, or pled guilty or nolo
 1254 contendere to, any felony or a crime punishable by imprisonment
 1255 of 1 year or more under the laws of the United States or any
 1256 state of the United States or under the laws of any other
 1257 country, without regard to whether a judgment of conviction has
 1258 been entered or adjudication has been withheld by the court
 1259 having jurisdiction of the case ~~is convicted of a felony, or who~~
 1260 ~~is convicted of a misdemeanor relating to misleading or false~~
 1261 ~~statements, or who pleads nolo contendere to any charge of a~~
 1262 ~~felony shall be revoked until the firefighter complies with s.~~
 1263 ~~112.011(2)(b). However, if sentence upon such felony or such~~
 1264 ~~misdemeanor charge is suspended or adjudication is withheld, the~~
 1265 ~~firefighter's certification shall be revoked until she or he~~
 1266 ~~completes any probation.~~

1267 (3) If a firefighter certification is revoked, all
 1268 certifications issued in accordance with s. 633.33 held by the
 1269 individual shall also be revoked.

1270 (4) The division shall adopt rules setting forth the
 1271 conditions under which an individual whose certificate has been
 1272 revoked can be issued a new certificate of compliance.

1273 Section 16. Section 633.352, Florida Statutes, is amended
 1274 to read:

1275 633.352 Retention of firefighter certification.—

1276 (1) Any certified firefighter who has not been active as a
 1277 firefighter, ~~or as a volunteer firefighter~~ with an organized

1278 fire department, for a period of at least 3 years but less than
 1279 6 years shall be required to retake and pass the written and
 1280 practical portions ~~portion~~ of the ~~minimum standards state~~
 1281 examination specified in division rules ~~rule 4A-37.056(6)(b),~~
 1282 ~~Florida Administrative Code,~~ in order to maintain her or his
 1283 certification as a firefighter; ~~however, this requirement does~~
 1284 ~~not apply to state certified instructors, as determined by the~~
 1285 ~~division. The 3-year period begins on the date the certificate~~
 1286 ~~of compliance is issued or upon termination of service with an~~
 1287 ~~organized fire department.~~

1288 (2) The certification of a firefighter who has not been
 1289 active as a firefighter with an organized fire department for
 1290 more than 6 years automatically expires. To acquire
 1291 certification, the individual must comply with current
 1292 curriculum and certification requirements as defined in division
 1293 rules.

1294 (3) The 3-year and 6-year periods, as applicable, begin on
 1295 the date the firefighter I or firefighter II certificate of
 1296 compliance is issued or upon the date of termination of service
 1297 with an organized fire department.

1298 (4) A certified firesafety inspector employed or under
 1299 contract as a firesafety inspector for any agency set forth in
 1300 s. 633.081(1) and a certified active fire instructor who is also
 1301 a certified firefighter retains his or her firefighter
 1302 certification as provided by division rule.

1303 Section 17. Subsections (1), (2), (3), and (4) of section
 1304 633.382, Florida Statutes, are amended to read:

1305 633.382 Career firefighters; supplemental compensation.—

1306 (1) DEFINITION ~~DEFINITIONS~~.—As used in this section, the
 1307 term "accredited" means having received accreditation from an
 1308 accrediting agency that is recognized by the United States
 1309 Department of Education.÷

1310 ~~(a) "Employing agency" means any municipality or any~~
 1311 ~~county, the state, or any political subdivision of the state,~~
 1312 ~~including authorities and special districts employing~~
 1313 ~~firefighters.~~

1314 ~~(b) "Firefighter" means any person who meets the~~
 1315 ~~definition of the term "firefighter" in s. 633.30(1) who is~~
 1316 ~~certified in compliance with s. 633.35 and who is employed~~
 1317 ~~solely within the fire department of the employing agency or is~~
 1318 ~~employed by the division.~~

1319 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—

1320 (a) In addition to the compensation now paid by an
 1321 employing agency to a career ~~any~~ firefighter, except a career
 1322 firefighter employed by a private entity under contract to
 1323 provide services to a municipality or county, the state, or any
 1324 political subdivision of the state, including authorities and
 1325 special districts, every career firefighter shall be paid
 1326 supplemental compensation by the employing agency when such
 1327 firefighter has complied with one of the following criteria:

1328 1. Any career firefighter who receives an associate degree
 1329 from an accredited ~~a~~ college, which degree is applicable to fire
 1330 department duties, as outlined in policy guidelines of the
 1331 division, shall be additionally compensated as outlined in
 1332 paragraph (3) (a).

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1333 2. Any career firefighter, regardless of whether or not
1334 she or he earned an associate degree earlier, who receives from
1335 an accredited college or university a bachelor's degree, which
1336 bachelor's degree is applicable to fire department duties, as
1337 outlined in policy guidelines of the division, shall receive
1338 compensation as outlined in paragraph (3) (b).

1339 (b) Whenever any question arises as to the eligibility of
1340 any career firefighter to receive supplemental compensation as
1341 provided in this section, the question, together with all facts
1342 relating thereto, shall be submitted to the division for
1343 determination, and the decision of the division with regard to
1344 determination of eligibility shall be final, subject to the
1345 provisions of chapter 120.

1346 (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation
1347 shall be determined as follows:

1348 (a) Fifty dollars shall be paid monthly to each career
1349 firefighter who qualifies under the provisions of subparagraph
1350 (2) (a)1.

1351 (b) One hundred and ten dollars shall be paid monthly to
1352 each career firefighter who qualifies under the provisions of
1353 subparagraph (2) (a)2.

1354 (4) FUNDING.—

1355 (a) The employing agency is responsible for the correct
1356 payment of career firefighters pursuant to the provisions of
1357 this section. The division may review, in a postaudit capacity,
1358 any action taken by an agency in administering the educational
1359 incentive program. The employing agency shall take appropriate

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1360 | action when a postaudit shows that an action taken by the
 1361 | employing agency was in error.

1362 | (b) Each agency employing career firefighters who are
 1363 | eligible for this compensation shall submit reports containing
 1364 | information relating to compensation paid as a result of this
 1365 | section to the division on March 31, June 30, September 30, and
 1366 | December 31 of each year.

1367 | (c) There is appropriated from the Police and
 1368 | Firefighter's Premium Tax Trust Fund to the Firefighters'
 1369 | Supplemental Compensation Trust Fund, which is hereby created
 1370 | under the Department of Revenue, all moneys which have not been
 1371 | distributed to municipalities and special fire control districts
 1372 | in accordance with s. 175.121 as a result of the limitation
 1373 | contained in s. 175.122 on the disbursement of revenues
 1374 | collected pursuant to chapter 175 or as a result of any
 1375 | municipality or special fire control district not having
 1376 | qualified in any given year, or portion thereof, for
 1377 | participation in the distribution of the revenues collected
 1378 | pursuant to chapter 175. The total required annual distribution
 1379 | from the Firefighters' Supplemental Compensation Trust Fund
 1380 | shall equal the amount necessary to pay supplemental
 1381 | compensation as provided in this section, provided that:

1382 | 1. Any deficit in the total required annual distribution
 1383 | shall be made up from accrued surplus funds existing in the
 1384 | Firefighters' Supplemental Compensation Trust Fund on June 30,
 1385 | 1990, for as long as such funds last. If the accrued surplus is
 1386 | insufficient to cure the deficit in any given year, the
 1387 | proration of the appropriation among the counties,

1388 municipalities, and special fire service taxing districts shall
 1389 equal the ratio of compensation paid in the prior year to
 1390 county, municipal, and special fire service taxing district
 1391 career firefighters pursuant to this section. This ratio shall
 1392 be provided annually to the Department of Revenue by the
 1393 Division of State Fire Marshal. Surplus funds that have accrued
 1394 or accrue on or after July 1, 1990, shall be redistributed to
 1395 municipalities and special fire control districts as provided in
 1396 subparagraph 2.

1397 2. By October 1 of each year, any funds that have accrued
 1398 or accrue on or after July 1, 1990, and remain in the
 1399 Firefighters' Supplemental Compensation Trust Fund following the
 1400 required annual distribution shall be redistributed by the
 1401 Department of Revenue pro rata to those municipalities and
 1402 special fire control districts identified by the Department of
 1403 Management Services as being eligible for additional funds
 1404 pursuant to s. 175.121(3)(b).

1405 (d) Salary incentive payments to career firefighters shall
 1406 commence in the first full calendar month following the initial
 1407 date of certification of eligibility by the Division of State
 1408 Fire Marshal.

1409 (e) Special fire service taxing districts are authorized
 1410 and empowered to expend the funds necessary to ensure correct
 1411 payment to career firefighters.

1412 Section 18. Paragraph (e) of subsection (2) and
 1413 subsections (3) and (10) of section 633.521, Florida Statutes,
 1414 are amended to read:

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1415 633.521 Certificate application and issuance; permit
1416 issuance; examination and investigation of applicant.-

1417 (2)

1418 (e) An applicant may not be examined more than four times
1419 during 1 year for certification as a contractor pursuant to this
1420 section unless the person is or has been certified and is taking
1421 the examination to change classifications. If an applicant does
1422 not pass one or more parts of the examination, she or he may
1423 take any part of the examination three more times during the 1-
1424 year period beginning upon the date she or he originally filed
1425 an application to take the examination. If the applicant does
1426 not pass the examination within that 1-year period, she or he
1427 must file a new application and pay the application and
1428 examination fees in order to take the examination or a part of
1429 the examination again. However, the applicant may not file a new
1430 application sooner than 6 months after the date of her or his
1431 last examination. An applicant who passes the examination but
1432 does not meet the remaining qualifications as provided in
1433 applicable statutes and rules within 1 year after the
1434 application date must file a new application, pay the
1435 application and examination fee, successfully complete a
1436 prescribed training course approved by the State Fire College or
1437 an equivalent court approved by the State Fire Marshal, and
1438 retake and pass the written examination.

1439 (3) (a)1. As a prerequisite to taking the examination for
1440 certification as a Contractor I, ~~Contractor II, or Contractor~~
1441 ~~III,~~ the applicant must be at least 18 years of age, be of good
1442 moral character, and shall possess 4 years' proven experience in

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1443 the employment of a fire protection system Contractor I,
1444 ~~Contractor II, or Contractor III~~ or a combination of equivalent
1445 education and experience in both water-based and chemical fire
1446 suppression systems.

1447 2. As a prerequisite to taking the examination for
1448 certification as a Contractor II, the applicant must be at least
1449 18 years of age, be of good moral character, and have 4 years'
1450 proven experience in the employment of a fire protection system
1451 Contractor I or Contractor II or a combination of equivalent
1452 education and experience in water-based fire suppression
1453 systems.

1454 3. As a prerequisite to taking the examination for
1455 certification as a Contractor III, the applicant must be at
1456 least 18 years of age, be of good moral character, and have 4
1457 years' proven experience in the employment of a fire protection
1458 system Contractor I or Contractor III or a combination of
1459 equivalent education and experience in chemical fire suppression
1460 systems.

1461 4. As a prerequisite to taking the examination for
1462 certification as a Contractor IV, the applicant must shall be at
1463 least 18 years old, be of good moral character, and have at
1464 least 2 years' proven experience in the employment of a fire
1465 protection system Contractor I, Contractor II, or Contractor IV
1466 or a combination of equivalent education and experience.

1467 5. As a prerequisite to taking the examination for
1468 certification as a Contractor IV, the applicant must ~~shall~~ be at
1469 least 18 years old, be of good moral character, and have at
1470 least 2 years' proven experience in the employment of a fire

1471 protection system Contractor I, Contractor II, ~~Contractor III,~~
 1472 or Contractor IV or combination of equivalent education and
 1473 experience ~~which combination need not include experience in the~~
 1474 ~~employment of a fire protection system contractor.~~

1475 6. As a prerequisite to taking the examination for
 1476 certification as a Contractor V, the applicant, including any
 1477 applicant certified as a general contractor pursuant to chapter
 1478 489, must ~~shall~~ be at least 18 years old, be of good moral
 1479 character, and have been licensed as a certified underground
 1480 utility and excavation contractor or plumbing contractor
 1481 pursuant to chapter 489, have verification by an individual who
 1482 is licensed as a certified utility contractor or plumbing
 1483 contractor pursuant to chapter 489 that the applicant has 4
 1484 years' proven experience in the employ of a certified
 1485 underground utility and excavation contractor or plumbing
 1486 contractor, or have a combination of education and experience
 1487 equivalent to 4 years' proven experience in the employ of a
 1488 certified underground utility and excavation contractor or
 1489 plumbing contractor.

1490 (b) Required education and experience for Contractor I,
 1491 Contractor II, Contractor III, and Contractor IV certifications
 1492 includes training and experience in both the installation and
 1493 system layout as defined in s. 633.021(15).

1494 (c) Within 30 days after the date of the examination, the
 1495 State Fire Marshal shall inform the applicant in writing whether
 1496 she or he has qualified or not and, if the applicant has
 1497 qualified, that she or he is ready to issue a certificate of

1498 competency, subject to compliance with the requirements of
 1499 subsection (4).

1500 (10) Effective July 1, 2008, the State Fire Marshal shall
 1501 require the National Institute of Certification in Engineering
 1502 Technologies (NICET), Sub-field of Inspection and Testing of
 1503 Fire Protection Systems Level II or equivalent training and
 1504 education as determined by the division as proof that the
 1505 permitholders are knowledgeable about nationally accepted
 1506 standards for the inspection of fire protection systems. ~~It is~~
 1507 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 1508 ~~to accept continuing education of all certificateholders'~~
 1509 ~~employees who perform inspection functions which specifically~~
 1510 ~~prepares the permitholder to qualify for NICET II certification.~~

1511 Section 19. Subsection (3) is added to section 633.524,
 1512 Florida Statutes, to read:

1513 633.524 Certificate and permit fees; examinations and
 1514 fees; use and deposit of collected funds.—

1515 (3) The State Fire Marshal may enter into a contract with
 1516 any qualified public entity or private company in accordance
 1517 with chapter 287 to provide examinations for any applicant for
 1518 any examination administered under the jurisdiction of the State
 1519 Fire Marshal. The State Fire Marshal may direct payments from
 1520 each applicant for each examination directly to such contracted
 1521 entity or company.

1522 Section 20. Subsection (4) of section 633.537, Florida
 1523 Statutes, is amended to read:

1524 633.537 Certificate; expiration; renewal; inactive
 1525 certificate; continuing education.—

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1526 (4) The renewal period for the permit class is the same as
 1527 that for the employing certificateholder. The continuing
 1528 education requirements for permitholders are what is required to
 1529 maintain NICET Sub-field of Inspection and Testing of Fire
 1530 Protection Systems Level II or higher certification plus 8
 1531 contact hours of continuing education during each biennial
 1532 renewal period thereafter. ~~The continuing education curriculum~~
 1533 ~~from July 1, 2005, until July 1, 2008, shall be the preparatory~~
 1534 ~~curriculum for NICET II certification; after July 1, 2008, the~~
 1535 ~~technical curriculum is at the discretion of the State Fire~~
 1536 ~~Marshal and may be used to meet the maintenance of NICET Level~~
 1537 ~~II certification and 8 contact hours of continuing education~~
 1538 ~~requirements.~~ It is the responsibility of the permitholder to
 1539 maintain NICET II certification as a condition of permit renewal
 1540 after July 1, 2008.

1541 Section 21. Subsection (4) of section 633.72, Florida
 1542 Statutes, is amended to read:

1543 633.72 Florida Fire Code Advisory Council.—

1544 (4) Each appointee shall serve a 4-year term. A ~~No~~ member
 1545 may not shall serve more than two consecutive terms ~~one term~~. No
 1546 member of the council shall be paid a salary as such member, but
 1547 each shall receive travel and expense reimbursement as provided
 1548 in s. 112.061.

1549 Section 22. Section 633.811, Florida Statutes, is amended
 1550 to read:

1551 633.811 Firefighter employer penalties.—

1552 (1) If any firefighter employer violates or fails or
 1553 refuses to comply with ss. 633.801-633.821, or with any rule

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1554 adopted by the division under such sections in accordance with
 1555 chapter 120 for the prevention of injuries, accidents, or
 1556 occupational diseases or with any lawful order of the division
 1557 in connection with ss. 633.801-633.821, or fails or refuses to
 1558 furnish or adopt any safety device, safeguard, or other means of
 1559 protection prescribed by division rule under ss. 633.801-633.821
 1560 for the prevention of accidents or occupational diseases, the
 1561 division may:

1562 (a) Issue an administrative cease and desist order,
 1563 enforceable in the circuit court of the jurisdiction in which
 1564 the violation is occurring or has occurred.

1565 (b) In a proceeding initiated pursuant to chapter 120,
 1566 assess against the firefighter employer an administrative a
 1567 ~~civil~~ penalty of not less than \$100 nor more than \$5,000 for
 1568 each day the violation, omission, failure, or refusal continues
 1569 after the firefighter employer has been given written notice of
 1570 such violation, omission, failure, or refusal. The total penalty
 1571 for each violation shall not exceed \$50,000. The division shall
 1572 adopt rules requiring penalties commensurate with the frequency
 1573 or severity of safety violations. A hearing shall be held in
 1574 Leon County ~~the county in which the violation, omission,~~
 1575 ~~failure, or refusal is alleged to have occurred,~~ unless
 1576 otherwise agreed to by the firefighter employer and authorized
 1577 by the division. All penalties assessed and collected under this
 1578 section shall be deposited in the Insurance Regulatory Trust
 1579 Fund.

1580 (2) An administrative cease and desist order or proceeding
 1581 may not be initiated and a fine may not accrue until after the

1582 firefighter employer has been notified in writing of the nature
 1583 of the violation and has been afforded a reasonable period of
 1584 time, as set forth in the notice, to correct the violation and
 1585 has failed to do so.

1586 Section 23. Subsection (3) of section 633.821, Florida
 1587 Statutes, is amended to read:

1588 633.821 Workplace safety.—

1589 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
 1590 individuals located outside the immediately dangerous to life
 1591 and health atmosphere may be assigned to an additional role,
 1592 such as incident commander, pumper operator, engineer, or
 1593 driver, so long as such individual is able to immediately
 1594 perform assistance or rescue activities without jeopardizing the
 1595 safety or health of any firefighter working at an incident. ~~Also~~
 1596 ~~with respect to 29 C.F.R. s. 1910.134(g)(4):~~

1597 ~~(a) Each county, municipality, and special district shall~~
 1598 ~~implement such provision by April 1, 2002, except as provided in~~
 1599 ~~paragraphs (b) and (c).~~

1600 ~~(b) If any county, municipality, or special district is~~
 1601 ~~unable to implement such provision by April 1, 2002, without~~
 1602 ~~adding additional personnel to its firefighting staff or~~
 1603 ~~expending significant additional funds, such county,~~
 1604 ~~municipality, or special district shall have an additional 6~~
 1605 ~~months within which to implement such provision. Such county,~~
 1606 ~~municipality, or special district shall notify the division that~~
 1607 ~~the 6-month extension to implement such provision is in effect~~
 1608 ~~in such county, municipality, or special district within 30 days~~
 1609 ~~after its decision to extend the time for the additional 6~~

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1610 months. The decision to extend the time for implementation shall
1611 be made prior to April 1, 2002.

1612 ~~(c) If, after the extension granted in paragraph (b), the~~
1613 ~~county, municipality, or special district, after having worked~~
1614 ~~with and cooperated fully with the division and the Firefighters~~
1615 ~~Employment, Standards, and Training Council, is still unable to~~
1616 ~~implement such provisions without adding additional personnel to~~
1617 ~~its firefighting staff or expending significant additional~~
1618 ~~funds, such municipality, county, or special district shall be~~
1619 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~
1620 ~~However, each year thereafter the division shall review each~~
1621 ~~such county, municipality, or special district to determine if~~
1622 ~~such county, municipality, or special district has the ability~~
1623 ~~to implement such provision without adding additional personnel~~
1624 ~~to its firefighting staff or expending significant additional~~
1625 ~~funds. If the division determines that any county, municipality,~~
1626 ~~or special district has the ability to implement such provision~~
1627 ~~without adding additional personnel to its firefighting staff or~~
1628 ~~expending significant additional funds, the division shall~~
1629 ~~require such county, municipality, or special district to~~
1630 ~~implement such provision. Such requirement by the division under~~
1631 ~~this paragraph constitutes final agency action subject to~~
1632 ~~chapter 120.~~

1633 Section 24. Paragraph (e) of subsection (1) of section
1634 218.23, Florida Statutes, is amended to read:

1635 218.23 Revenue sharing with units of local government.—

1636 (1) To be eligible to participate in revenue sharing
 1637 beyond the minimum entitlement in any fiscal year, a unit of
 1638 local government is required to have:

1639 (e) Certified that persons in its employ as career
 1640 firefighters, as defined in s. 633.30(1), meet the qualification
 1641 for employment as established by the Division of State Fire
 1642 Marshal pursuant to the provisions of ss. 633.34 and 633.35 and
 1643 that the provisions of s. 633.382 have been met.

1644
 1645 Additionally, to receive its share of revenue sharing funds, a
 1646 unit of local government shall certify to the Department of
 1647 Revenue that the requirements of s. 200.065, if applicable, were
 1648 met. The certification shall be made annually within 30 days of
 1649 adoption of an ordinance or resolution establishing a final
 1650 property tax levy or, if no property tax is levied, not later
 1651 than November 1. The portion of revenue sharing funds which,
 1652 pursuant to this part, would otherwise be distributed to a unit
 1653 of local government which has not certified compliance or has
 1654 otherwise failed to meet the requirements of s. 200.065 shall be
 1655 deposited in the General Revenue Fund for the 12 months
 1656 following a determination of noncompliance by the department.

1657 Section 25. Paragraph (b) of subsection (4) of section
 1658 447.203, Florida Statutes, is amended to read:

1659 447.203 Definitions.—As used in this part:

- 1660 (4) "Managerial employees" are those employees who:
- 1661 (b) Serve as police chiefs, fire chiefs, or directors of
- 1662 public safety of any police, fire, or public safety department.
- 1663 Other police officers, as defined in s. 943.10(1), and career

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1664 firefighters, as defined in s. 633.30(1), may be determined by
 1665 the commission to be managerial employees of such departments.
 1666 In making such determinations, the commission shall consider, in
 1667 addition to the criteria established in paragraph (a), the
 1668 paramilitary organizational structure of the department
 1669 involved.

1670
 1671 However, in determining whether an individual is a managerial
 1672 employee pursuant to either paragraph (a) or paragraph (b),
 1673 above, the commission may consider historic relationships of the
 1674 employee to the public employer and to coemployees.

1675 Section 26. Subsection (22) of section 489.103, Florida
 1676 Statutes, is amended to read:

1677 489.103 Exemptions.—This part does not apply to:

1678 (22) A person licensed pursuant to s. 633.061(1) (a) 4. ~~(d)~~
 1679 or (2) (a) 2. ~~(b)~~ performing work authorized by such license.

1680 Section 27. Paragraph (d) of subsection (1) of section
 1681 590.02, Florida Statutes, is amended to read:

1682 590.02 Division powers, authority, and duties; liability;
 1683 building structures; Florida Center for Wildfire and Forest
 1684 Resources Management Training.—

1685 (1) The division has the following powers, authority, and
 1686 duties:

1687 (d) To appoint center managers, forest area supervisors,
 1688 forestry program administrators, a forest protection bureau
 1689 chief, a forest protection assistant bureau chief, a field
 1690 operations bureau chief, deputy chiefs of field operations,
 1691 district managers, senior forest rangers, investigators, forest

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1692 rangers, firefighter rotorcraft pilots, and other employees who
 1693 may, at the division's discretion, be certified as forestry
 1694 firefighters pursuant to s. 633.35(5)~~(4)~~. Other provisions of
 1695 law notwithstanding, center managers, district managers, forest
 1696 protection assistant bureau chief, and deputy chiefs of field
 1697 operations shall have Selected Exempt Service status in the
 1698 state personnel designation;

1699 Section 28. Subsection (8) of section 1013.12, Florida
 1700 Statutes, is amended to read:

1701 1013.12 Casualty, safety, sanitation, and firesafety
 1702 standards and inspection of property.-

1703 ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~
 1704 ~~annual report to be filed with the substantive committees of the~~
 1705 ~~state House of Representatives and Senate having jurisdiction~~
 1706 ~~over education, the Commissioner of Education or his or her~~
 1707 ~~successor, the State Board of Education, the Board of Governors,~~
 1708 ~~and the Governor documenting the status of each board's~~
 1709 ~~firesafety program, including the improvement or lack thereof.~~

1710 Section 29. This act shall take effect July 1, 2010.