



360216

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Banking and Insurance (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. The Division of Law Revision and Information is directed to create part I of chapter 633, Florida Statutes, consisting of sections 633.102, 633.104, 633.106, 633.108, 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126, 633.128, 633.132, 633.134, 633.136, and 633.138, Florida Statutes, to be entitled "General Provisions."

Section 2. Section 633.021, Florida Statutes, is transferred, renumbered as section 633.102, Florida Statutes,



360216

13 and amended to read:

14 633.102 ~~633.021~~ Definitions.—As used in this chapter, the  
15 term:

16 (1) "Board" means the Florida Fire Safety Board.

17 ~~(2) "Certificate" means a certificate of competency issued~~  
18 ~~by the State Fire Marshal.~~

19 ~~(3) "Certification" means the act of obtaining or holding a~~  
20 ~~certificate of competency from the State Fire Marshal.~~

21 (2)~~(4)~~ "Contracting" means engaging in business as a  
22 contractor.

23 (3)~~(5)~~(a) "Contractor I" means a contractor whose business  
24 includes the execution of contracts requiring the ability to lay  
25 out, fabricate, install, inspect, alter, repair, and service all  
26 types of fire protection systems, excluding preengineered  
27 systems. A Contractor I may also perform all of the duties  
28 specified for a Contractor II, Contractor III, Contractor IV,  
29 and Contractor V.

30 (b) "Contractor II" means a contractor whose business is  
31 limited to the execution of contracts requiring the ability to  
32 lay out, fabricate, install, inspect, alter, repair, and service  
33 water sprinkler systems, water spray systems, foam-water  
34 sprinkler systems, foam-water spray systems, standpipes,  
35 combination standpipes and sprinkler risers, all piping that is  
36 an integral part of the system beginning at the point of service  
37 as defined in this section, sprinkler tank heaters, air lines,  
38 thermal systems used in connection with sprinklers, and tanks  
39 and pumps connected thereto, excluding preengineered systems. A  
40 Contractor II may also perform the duties specified for a  
41 Contractor IV and Contractor V.



360216

42 (c) "Contractor III" means a contractor whose business is  
43 limited to the execution of contracts requiring the ability to  
44 fabricate, install, inspect, alter, repair, and service carbon  
45 dioxide CO<sub>2</sub> systems, foam extinguishing systems, dry chemical  
46 systems, and Halon and other chemical systems, excluding  
47 preengineered systems.

48 (d) "Contractor IV" means a contractor whose business is  
49 limited to the execution of contracts requiring the ability to  
50 lay out, fabricate, install, inspect, alter, repair, and service  
51 automatic fire sprinkler systems for detached one-family  
52 dwellings, detached two-family dwellings, and mobile homes,  
53 excluding preengineered systems and excluding single-family  
54 homes in cluster units, such as apartments, condominiums, and  
55 assisted living facilities or any building that is connected to  
56 other dwellings. A Contractor IV is limited to the scope of  
57 practice specified in NFPA 13D.

58 (e) "Contractor V" means a contractor whose business is  
59 limited to the execution of contracts requiring the ability to  
60 fabricate, install, inspect, alter, repair, and service the  
61 underground piping for a fire protection system using water as  
62 the extinguishing agent beginning at the point of service as  
63 defined in this act and ending no more than 1 foot above the  
64 finished floor.

65  
66 The definitions in this subsection may ~~must~~ not be construed to  
67 include ~~fire protection~~ engineers or architects and do not limit  
68 or prohibit a licensed fire protection engineer or architect  
69 with fire protection design experience from designing any type  
70 of fire protection system. A distinction is made between system



360216

71 design concepts prepared by the design professional and system  
72 layout as defined in this section and typically prepared by the  
73 contractor. However, a person ~~persons~~ certified as a Contractor  
74 I, Contractor II, or Contractor IV under this chapter may design  
75 fire protection systems of 49 or fewer sprinklers, and may  
76 design the alteration of an existing fire sprinkler system if  
77 the alteration consists of the relocation, addition, or deletion  
78 of not more than 49 sprinklers, notwithstanding the size of the  
79 existing fire sprinkler system. A person certified as a  
80 Contractor I, Contractor II, or Contractor IV may design a fire  
81 protection system the scope of which complies with NFPA 13D,  
82 Standard for the Installation of Sprinkler Systems in One- and  
83 Two-Family Dwellings and Manufactured Homes, as adopted by the  
84 State Fire Marshal, notwithstanding the number of fire  
85 sprinklers. Contractor-developed plans may not be required by  
86 any local permitting authority to be sealed by a registered  
87 professional engineer.

88 (4) "Department" means the Department of Financial  
89 Services.

90 (5) "Division" means the Division of State Fire Marshal  
91 within the Department of Financial Services.

92 (6) "Explosives" means any chemical compound or mixture  
93 that has the property of yielding readily to combustion or  
94 oxidation upon the application of heat, flame, or shock and is  
95 capable of producing an explosion and is commonly used for that  
96 purpose, including but not limited to dynamite, nitroglycerin,  
97 trinitrotoluene, ammonium nitrate when combined with other  
98 ingredients to form an explosive mixture, blasting caps, and  
99 detonators; but the term does not include cartridges for



360216

100 firearms or fireworks as defined in chapter 791.

101 (7) (a) "Fire equipment dealer Class A" means a licensed  
102 fire equipment dealer whose business is limited to servicing,  
103 recharging, repairing, installing, or inspecting all types of  
104 fire extinguishers and conducting hydrostatic tests on all types  
105 of fire extinguishers.

106 (b) "Fire equipment dealer Class B" means a licensed fire  
107 equipment dealer whose business is limited to servicing,  
108 recharging, repairing, installing, or inspecting all types of  
109 fire extinguishers, including recharging carbon dioxide units  
110 and conducting hydrostatic tests on all types of fire  
111 extinguishers, except carbon dioxide units.

112 (c) "Fire equipment dealer Class C" means a licensed fire  
113 equipment dealer whose business is limited to servicing,  
114 recharging, repairing, installing, or inspecting all types of  
115 fire extinguishers, except recharging carbon dioxide units, and  
116 conducting hydrostatic tests on all types of fire extinguishers,  
117 except carbon dioxide units.

118 (d) "Fire equipment dealer Class D" means a licensed fire  
119 equipment dealer whose business is limited to servicing,  
120 recharging, repairing, installing, hydrotesting, or inspecting  
121 of all types of preengineered fire extinguishing systems.

122 (8) A "Fire extinguisher" means ~~is~~ a cylinder that:

123 (a) Is portable and can be carried or is on wheels.

124 (b) Is manually operated.

125 (c) May use a variety of extinguishing agents that are  
126 expelled under pressure.

127 (d) Is rechargeable or nonrechargeable.

128 (e) Is installed, serviced, repaired, recharged, inspected,



360216

129 and hydrottested according to applicable procedures of the  
130 manufacturer, standards of the National Fire Protection  
131 Association, and the Code of Federal Regulations.

132 (f) Is listed by a nationally recognized testing  
133 laboratory.

134 (9) "Firefighter" means an individual who holds a current  
135 and valid Firefighter Certificate of Compliance or Special  
136 Certificate of Compliance issued by the division under s.  
137 633.408.

138 (10) "Fire service support personnel" means an individual  
139 who does not hold a current and valid certificate issued by the  
140 division and who may only perform support services.

141 (11)~~(9)~~ A "Fire hydrant" means ~~is~~ a connection to a water  
142 main, elevated water tank, or other source of water for the  
143 purpose of supplying water to a fire hose or other fire  
144 protection apparatus for fire suppression operations. The term  
145 does not include a fire protection system.

146 (12)~~(10)~~ A "Fire protection system" means ~~is~~ a system  
147 individually designed to protect the interior or exterior of a  
148 specific building or buildings, structure, or other special  
149 hazard from fire. Such systems include, but are not limited to,  
150 water sprinkler systems, water spray systems, foam-water  
151 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO<sub>2</sub>~~  
152 systems, foam extinguishing systems, dry chemical systems, and  
153 Halon and other chemical systems used for fire protection use.  
154 Such systems also include any overhead and underground fire  
155 mains, fire hydrants and hydrant mains, standpipes and hoses  
156 connected to sprinkler systems, sprinkler tank heaters, air  
157 lines, thermal systems used in connection with fire sprinkler



360216

158 systems, and tanks and pumps connected to fire sprinkler  
159 systems.

160 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual  
161 who holds a current and valid Fire Safety Inspector Certificate  
162 of Compliance issued certified by the division State Fire  
163 Marshal under s. 633.216 s. ~~633.081~~ who is officially assigned  
164 the duties of conducting firesafety inspections of buildings and  
165 facilities on a recurring or regular basis on behalf of the  
166 state or any county, municipality, or special district with fire  
167 safety responsibilities.

168 (14) "Fire service provider" means a municipality or  
169 county, the state, or any political subdivision of the state,  
170 including authorities and special districts, employing  
171 firefighters or utilizing volunteer firefighters to provide fire  
172 extinguishment or fire prevention services for the protection of  
173 life and property. The term includes any organization under  
174 contract or other agreement with such entity to provide such  
175 services.

176 (15)~~(12)~~ "Handling" means touching, holding, taking up,  
177 moving, controlling, or otherwise affecting with the hand or by  
178 any other agency.

179 ~~(13) (a) For the purposes of s. 633.085(1), the term "high-~~  
180 ~~hazard occupancy" means any building or structure:~~

181 ~~1. That contains combustible or explosive matter or~~  
182 ~~flammable conditions dangerous to the safety of life or~~  
183 ~~property.~~

184 ~~2. In which persons receive educational instruction.~~

185 ~~3. In which persons reside, excluding private dwellings.~~

186 ~~4. Containing three or more floor levels.~~



360216

187  
188 ~~Such buildings or structures include, but are not limited to,~~  
189 ~~all hospitals and residential health care facilities, nursing~~  
190 ~~homes and other adult care facilities, correctional or detention~~  
191 ~~facilities, public schools, public lodging establishments,~~  
192 ~~migrant labor camps, residential child care facilities, and~~  
193 ~~self-service gasoline stations.~~

194 ~~(b) For the purposes of this subsection, the term "high-~~  
195 ~~hazard occupancy" does not include any residential condominium~~  
196 ~~where the declaration of condominium or the bylaws provide that~~  
197 ~~the rental of units shall not be permitted for less than 90~~  
198 ~~days.~~

199 ~~(16)-(14)~~ "Highway" means every way or place of whatever  
200 nature within the state open to the use of the public, as a  
201 matter of right, for purposes of vehicular traffic and includes  
202 public streets, alleys, roadways, or driveways upon grounds of  
203 colleges, universities, and institutions and other ways open to  
204 travel by the public, notwithstanding that the same have been  
205 temporarily closed for the purpose of construction,  
206 reconstruction, maintenance, or repair. The term does not  
207 include a roadway or driveway upon grounds owned by a private  
208 person.

209 (17) "Hot zone" means the area immediately around an  
210 incident where serious threat of harm exists, which includes the  
211 collapse zone for a structure fire.

212 ~~(18)-(15)~~ "Keeping" means possessing, holding, retaining,  
213 maintaining, or having habitually in stock for sale.

214 ~~(19)-(16)~~ "Layout" ~~as used in this chapter~~ means the layout  
215 of risers, cross mains, branch lines, sprinkler heads, sizing of





360216

216 pipe, hanger locations, and hydraulic calculations in accordance  
217 with the design concepts established through ~~the provisions of~~  
218 the Responsibility Rules adopted by the Board of Professional  
219 Engineers.

220 ~~(20)-(17)~~ "Manufacture" means the compounding, combining,  
221 producing, or making of anything or the working of anything by  
222 hand, by machinery, or by any other agency into forms suitable  
223 for use.

224 ~~(21)-(18)~~ A "Minimum firesafety standard" means ~~is~~ a  
225 requirement or group of requirements adopted pursuant to s.  
226 633.208 ~~633.025~~ by a county, municipality, or special district  
227 with firesafety responsibilities, or by the State Fire Marshal  
228 pursuant to s. 394.879, for the protection of life and property  
229 from loss by fire which shall be met, as a minimum, by every  
230 occupancy, facility, building, structure, premises, device, or  
231 activity to which it applies.

232 ~~(22)~~ "Minimum Standards Course" means training of at least  
233 360 hours as prescribed by rule adopted by the division which is  
234 required to obtain a Firefighter Certificate of Compliance under  
235 s. 633.408.

236 ~~(23)-(19)~~ "Motor vehicle" means any device propelled by  
237 power other than muscular power in, upon, or by which any  
238 individual person or property is or may be transported or drawn  
239 upon a highway, except a device moved or used exclusively upon  
240 stationary rails or tracks.

241 ~~(24)-(20)~~ "Point-of-service" means the point at which the  
242 underground piping for a fire protection system as defined in  
243 this section using water as the extinguishing agent becomes used  
244 exclusively for the fire protection system.



360216

245           ~~(25)-(21)~~(a) A "Preengineered system" means ~~is~~ a fire  
246 suppression system which:  
247           1. Uses any of a variety of extinguishing agents.  
248           2. Is designed to protect specific hazards.  
249           3. Must be installed according to pretested limitations and  
250 configurations specified by the manufacturer and applicable  
251 National Fire Protection Association (NFPA) standards. Only  
252 those chapters within the National Fire Protection Association  
253 standards which ~~that~~ pertain to servicing, recharging,  
254 repairing, installing, hydrotesting, or inspecting any type of  
255 preengineered fire extinguishing system may be used.  
256           4. Must be installed using components specified by the  
257 manufacturer or components that are listed as equal parts by a  
258 nationally recognized testing laboratory such as Underwriters  
259 Laboratories, Inc., or Factory Mutual Laboratories, Inc.  
260           5. Must be listed by a nationally recognized testing  
261 laboratory.  
262           (b) Preengineered systems consist of and include all of the  
263 components and parts providing fire suppression protection, but  
264 do not include the equipment being protected, and may  
265 incorporate special nozzles, flow rates, methods of application,  
266 pressurization levels, and quantities of agents designed by the  
267 manufacturer for specific hazards.  
268           ~~(26)-(22)~~ "Private carrier" means a ~~any~~ motor vehicle,  
269 aircraft, or vessel operating intrastate in which there is  
270 identity of ownership between freight and carrier.  
271           ~~(27)-(23)~~ "Sale" means the act of selling; the act whereby  
272 the ownership of property is transferred from one person to  
273 another for a sum of money or, loosely, for any consideration.



360216

274 The term includes the delivery of merchandise with or without  
275 consideration.

276 (28)~~(24)~~ "Special state firesafety inspector" means an  
277 individual officially assigned to the duties of conducting  
278 firesafety inspections required by law on behalf of or by an  
279 agency of the state having authority for inspections other than  
280 the division ~~of State Fire Marshal~~.

281 (29)~~(25)~~ A "Sprinkler system" means ~~is~~ a type of fire  
282 protection system, ~~either~~ manual or automatic, using water as an  
283 extinguishing agent and installed in accordance with applicable  
284 National Fire Protection Association standards.

285 (30)~~(26)~~ "Storing" means accumulating, laying away, or  
286 depositing for preservation or as a reserve fund in a store,  
287 warehouse, or other source from which supplies may be drawn or  
288 within which they may be deposited. The term is limited in  
289 meaning and application to storage having a direct relationship  
290 to transportation.

291 (31) "Support services" means those activities that a fire  
292 service provider has trained an individual to perform safely  
293 outside the hot zone of an emergency scene, including pulling  
294 hoses, opening and closing fire hydrants, driving and operating  
295 apparatus, carrying tools, carrying or moving equipment,  
296 directing traffic, manning a resource pool, or similar  
297 activities.

298 (32) "Suspension" means the temporary withdrawal of a  
299 license, certificate, or permit issued pursuant to this chapter.

300 (33)~~(27)~~ "Transportation" means the conveying or carrying  
301 of property from one place to another by motor vehicle (except a  
302 motor vehicle subject to ~~the provisions of~~ s. 316.302),



360216

303 aircraft, or vessel, subject to such limitations as are set  
304 forth in s. 552.12, in which only the motor vehicles, aircraft,  
305 or vessels of the Armed Forces and other federal agencies are  
306 specifically exempted.

307 (34)~~(28)~~ A "Uniform firesafety standard" means ~~is~~ a  
308 requirement or group of requirements for the protection of life  
309 and property from loss by fire which shall be met by every  
310 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
311 is not ~~neither~~ weakened or ~~nor~~ exceeded by law, rule, or  
312 ordinance of any other state agency or political subdivision or  
313 county, municipality, or special district with firesafety  
314 responsibilities.

315 (35)~~(29)~~ "Use" means application, employment; that  
316 enjoyment of property which consists of its employment,  
317 occupation, exercise, or practice.

318 (36) "Volunteer firefighter" means an individual who holds  
319 a current and valid Volunteer Firefighter Certificate of  
320 Completion issued by the division under s. 633.408.

321 Section 3. Section 633.01, Florida Statutes, is transferred  
322 and renumbered as section 633.104, Florida Statutes, subsections  
323 (1), (3), (5), (6), and (7) of that section are amended, and  
324 subsections (8) and (9) are added to that section, to read:

325 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~  
326 ~~duties~~; rules.—

327 (1) The Chief Financial Officer is designated as "State  
328 Fire Marshal." The State Fire Marshal has authority to adopt  
329 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
330 ~~provisions of this chapter conferring powers or duties upon the~~  
331 ~~department~~. Rules must ~~shall~~ be in substantial conformity with



360216

332 generally accepted standards of firesafety; must ~~shall~~ take into  
333 consideration the direct supervision of children in  
334 nonresidential child care facilities; and must ~~shall~~ balance and  
335 temper the need of the State Fire Marshal to protect all  
336 Floridians from fire hazards with the social and economic  
337 inconveniences that may be caused or created by the rules. The  
338 department shall adopt the Florida Fire Prevention Code ~~and the~~  
339 ~~Life Safety Code.~~

340 (3) The State Fire Marshal shall establish by rule  
341 guidelines and procedures for quadrennial ~~triennial~~ renewal of  
342 firesafety inspector requirements for certification.

343 (5) It is the intent of the Legislature that there are to  
344 be no conflicting requirements between the Florida Fire  
345 Prevention Code ~~and the Life Safety Code authorized by this~~  
346 ~~chapter and the provisions of~~ the Florida Building Code or  
347 conflicts in their enforcement and interpretation. Potential  
348 conflicts shall be resolved through coordination and cooperation  
349 of the State Fire Marshal and the Florida Building Commission as  
350 provided by this chapter and part IV of chapter 553.

351 (6) Only the State Fire Marshal may issue, and, when  
352 requested in writing by any substantially affected person or a  
353 local enforcing agency, the State Fire Marshal shall issue  
354 declaratory statements pursuant to s. 120.565 relating to the  
355 Florida Fire Prevention Code ~~and the Life Safety Code.~~

356 (7) The State Fire Marshal, in consultation with the  
357 Department of Education, shall adopt and administer rules  
358 prescribing standards for the safety and health of occupants of  
359 educational and ancillary facilities pursuant to ss. 633.206  
360 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any



360216

361 county, municipality, or special district that does not employ  
362 or appoint a firesafety inspector certified under s. 633.216  
363 ~~633.081~~, the State Fire Marshal shall assume the duties of the  
364 local county, municipality, or independent special fire control  
365 district as defined in s. 191.003 with respect to firesafety  
366 inspections of educational property required under s.  
367 1013.12(3)(b), and the State Fire Marshal may take necessary  
368 corrective action as authorized under s. 1013.12(7).

369 (8) The State Fire Marshal or her or his duly appointed  
370 hearing officer may administer oaths and take testimony about  
371 all matters within the jurisdiction of this chapter. Chapter 120  
372 governs hearings conducted by or on behalf of the State Fire  
373 Marshal.

374 (9) The State Fire Marshal may contract with any qualified  
375 public entity or private company in accordance with chapter 287  
376 to provide examinations for any applicant for any examination  
377 administered under the jurisdiction of the State Fire Marshal.  
378 The State Fire Marshal may direct payments from each applicant  
379 for each examination directly to such contracted entity or  
380 company.

381 Section 4. Section 633.163, Florida Statutes, is  
382 transferred, renumbered as section 633.106, Florida Statutes,  
383 and amended to read:

384 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;  
385 administrative fine and probation in lieu of suspension,  
386 revocation, or refusal to issue a license, permit, or  
387 certificate.-

388 (1) The State Fire Marshal may deny, suspend, or revoke the  
389 license, certificate, or permit of any individual who does not



360216

390 meet the qualifications established by, or who violates any  
391 provision under, this chapter or any rule authorized by this  
392 chapter.

393 (2)(1) If the State Fire Marshal finds that one or more  
394 grounds exist for the suspension, revocation, or refusal to  
395 issue, renew, or continue any license, certificate, or permit  
396 issued under this chapter, the State Fire Marshal may, in its  
397 discretion, in lieu of the suspension, revocation, or refusal to  
398 issue, renew, or continue, and, except on a second offense or  
399 when the suspension, revocation, or refusal to issue, renew, or  
400 continue is mandatory, impose upon the licensee,  
401 certificateholder, or permittee one or more of the following:

402 (a) An administrative fine not to exceed \$1,000 for each  
403 violation, and not to exceed a total of \$10,000 in any one  
404 proceeding.

405 (b) Probation for a period not to exceed 2 years, as  
406 specified by the State Fire Marshal in her or his order.

407 (3)(2) The State Fire Marshal may allow the licensee,  
408 certificateholder, or permittee a reasonable period, not to  
409 exceed 30 days, within which to pay to the State Fire Marshal  
410 the amount of the fine. If the licensee, certificateholder, or  
411 permittee fails to pay the administrative fine in its entirety  
412 to the State Fire Marshal within such period, the license,  
413 permit, or certificate shall stand suspended until payment of  
414 the administrative fine.

415 (4) As a condition to probation or in connection therewith,  
416 the State Fire Marshal may specify in her or his order  
417 reasonable terms and conditions to be fulfilled by the  
418 probationer during the probation period. If during the probation



360216

419 period the State Fire Marshal has good cause to believe that the  
420 probationer has violated any of the terms and conditions, she or  
421 he shall suspend, revoke, or refuse to issue, renew, or continue  
422 the license, certificate, or permit of the probationer, as upon  
423 the original ground or grounds referred to in subsection (2).

424 Section 5. Section 633.15, Florida Statutes, is transferred  
425 and renumbered as section 633.108, Florida Statutes.

426 Section 6. Section 633.101, Florida Statutes, is  
427 transferred, renumbered as section 633.112, Florida Statutes,  
428 and amended to read:

429 633.112 ~~633.101~~ State Fire Marshal; hearings;  
430 investigations; recordkeeping and reports; subpoenas of  
431 witnesses; orders of circuit court ~~investigatory powers of State~~  
432 ~~Fire Marshal; costs of service and witness fees.-~~

433 (1) The State Fire Marshal may in his or her discretion  
434 take or cause to be taken the testimony on oath of a person ~~all~~  
435 ~~persons~~ whom he or she believes to be cognizant of any facts in  
436 relation to matters under investigation.

437 (2) If the State Fire Marshal is ~~shall be~~ of the opinion  
438 that there is sufficient evidence to charge a ~~any~~ person with an  
439 offense, he or she must ~~shall~~ cause the arrest of such person  
440 and must ~~shall~~ furnish to the prosecuting officer of any court  
441 having jurisdiction of the ~~said~~ offense all information obtained  
442 by him or her, including a copy of all pertinent and material  
443 testimony taken, together with the names and addresses of all  
444 witnesses. In the conduct of such investigations, the State Fire  
445 Marshal may request such assistance as may reasonably be given  
446 by such prosecuting officers and other local officials.

447 (3) The State Fire Marshal may summon and compel the





360216

448 attendance of witnesses before him or her to testify in relation  
449 to any matter ~~manner~~ which is, by ~~the provisions of~~ this  
450 chapter, a subject of inquiry and investigation, and he or she  
451 may require the production of any book, paper, or document  
452 deemed pertinent thereto by him or her, and may seize furniture  
453 and other personal property to be held for evidence.

454 (4) A person ~~All persons~~ so summoned and so testifying  
455 shall be entitled to the same witness fees and mileage as  
456 provided for witnesses testifying in the circuit courts of this  
457 state, and officers serving subpoenas or orders of the State  
458 Fire Marshal shall be paid in like manner for like services in  
459 such courts, from the funds herein provided.

460 (5) Any agent designated by the State Fire Marshal for such  
461 purposes, may hold hearings, sign and issue subpoenas,  
462 administer oaths, examine witnesses, receive evidence, and  
463 require by subpoena the attendance and testimony of witnesses  
464 and the production of such accounts, records, memoranda, or  
465 other evidence, as may be material for the determination of any  
466 complaint or conducting any inquiry or investigation under this  
467 chapter. In the case of disobedience to a subpoena, the State  
468 Fire Marshal or her or his agent may invoke the aid of any court  
469 of competent jurisdiction in requiring the attendance and  
470 testimony of witnesses and the production of accounts, records,  
471 memoranda, or other evidence and any such court may in case of  
472 refusal to obey a subpoena issued to a person, issue an order  
473 requiring the person to appear before the State Fire Marshal's  
474 agent or produce accounts, records, memoranda, or other  
475 evidence, as so ordered, or to give evidence touching any matter  
476 pertinent to any complaint or the subject of any inquiry or



360216

477 investigation, and any failure to obey such order of the court  
478 shall be punished by the court as contempt.

479 (6) The State Fire Marshal shall investigate the cause,  
480 origin, and circumstances of every fire or explosion occurring  
481 in this state if property has been damaged or destroyed and  
482 there is probable cause to believe that the fire or explosion  
483 was the result of carelessness or design. Report of all such  
484 investigations shall be made on approved forms.

485 Section 7. Section 633.111, Florida Statutes, is  
486 transferred, renumbered as subsections (7) and (8) of section  
487 633.112, Florida Statutes, and amended to read:

488 633.112 State Fire Marshal; hearings; investigations;  
489 recordkeeping and reports; subpoenas of witnesses; orders of  
490 circuit court investigatory powers of State Fire Marshal; costs  
491 of service and witness fees.-

492 (7) The State Fire Marshal shall keep in her or his office  
493 a record of all fires and explosions occurring in this state  
494 upon which she or he had caused an investigation to be made and  
495 all facts concerning the same. These records, obtained or  
496 prepared by the State Fire Marshal pursuant to her or his  
497 investigation, include documents, papers, letters, maps,  
498 diagrams, tapes, photographs, films, sound recordings, and  
499 evidence. These records are confidential and exempt from the  
500 provisions of s. 119.07(1) until the investigation is completed  
501 or ceases to be active. For purposes of this section, an  
502 investigation is considered "active" while such investigation is  
503 being conducted by the department with a reasonable, good faith  
504 belief that it may lead to the filing of administrative, civil,  
505 or criminal proceedings. An investigation does not cease to be



360216

506 active if the department is proceeding with reasonable dispatch,  
507 and there is a good faith belief that action may be initiated by  
508 the department or other administrative or law enforcement  
509 agency. Further, these documents, papers, letters, maps,  
510 diagrams, tapes, photographs, films, sound recordings, and  
511 evidence relative to the subject of an investigation shall not  
512 be subject to subpoena until the investigation is completed or  
513 ceases to be active, unless the State Fire Marshal consents.  
514 These records shall be made daily from the reports furnished the  
515 State Fire Marshal by her or his agents or others.

516 (8) Whenever the State Fire Marshal releases an  
517 investigative report, any person requesting a copy of the report  
518 shall pay in advance, and the State Fire Marshal shall collect  
519 in advance, notwithstanding the provisions of s. 624.501(19)(a)  
520 and (b), a fee of \$10 for the copy of the report, which fee  
521 shall be deposited into the Insurance Regulatory Trust Fund. The  
522 State Fire Marshal may release the report without charge to any  
523 state attorney or to any law enforcement agency or fire  
524 department assisting in the investigation.

525 Section 8. Section 633.02, Florida Statutes, is  
526 transferred, renumbered as section 633.114, Florida Statutes,  
527 and amended to read:

528 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents; authority;~~  
529 ~~powers and duties; compensation.-~~

530 (1) The State Fire Marshal shall appoint such agents as may  
531 be necessary to carry out effectively ~~the provisions of~~ this  
532 chapter, who shall be reimbursed for travel expenses as provided  
533 in s. 112.061, in addition to their salary, when traveling or  
534 making investigations in the performance of their duties. Such



360216

535 agents shall be at all times under the direction and control of  
536 the State Fire Marshal, who shall fix their compensation, and  
537 all orders shall be issued in the State Fire Marshal's name and  
538 by her or his authority.

539 (2) The authority given the State Fire Marshal under this  
540 chapter may be exercised by her or his agents, individually or  
541 in conjunction with any other state or local official charged  
542 with similar responsibilities.

543 Section 9. Section 633.14, Florida Statutes, is transferred  
544 and renumbered as section 633.116, Florida Statutes.

545 Section 10. Section 633.121, Florida Statutes, is  
546 transferred, renumbered as section 633.118, Florida Statutes,  
547 and amended to read:

548 633.118 ~~633.121~~ Persons authorized to enforce laws and  
549 rules of State Fire Marshal.—The chiefs of county, municipal,  
550 and special-district fire service providers ~~departments~~; other  
551 fire service provider ~~department~~ personnel designated by their  
552 respective chiefs; and personnel designated by local governments  
553 having no organized fire service providers ~~departments~~ are  
554 authorized to enforce this chapter law and all rules prescribed  
555 by the State Fire Marshal within their respective jurisdictions.  
556 Such personnel acting under the authority of this section shall  
557 be ~~deemed to be~~ agents of their respective jurisdictions, not  
558 agents of the State Fire Marshal.

559 Section 11. Section 633.151, Florida Statutes, is  
560 transferred, renumbered as section 633.122, Florida Statutes,  
561 and amended to read:

562 633.122 ~~633.151~~ Impersonating State Fire Marshal,  
563 firefighter ~~firefighters~~, volunteer firefighter, or firesafety



360216

564 inspector; criminal penalties.—A person who falsely assumes or  
565 pretends to be the State Fire Marshal, an agent of the division  
566 ~~of State Fire Marshal, a firefighter as defined in s. 112.81, a~~  
567 volunteer firefighter, or a firesafety inspector by identifying  
568 himself or herself as the State Fire Marshal, an agent of the  
569 division, a firefighter, a volunteer firefighter, or a  
570 firesafety inspector by wearing a uniform or presenting or  
571 displaying a badge as credentials that would cause a reasonable  
572 person to believe that he or she is a State Fire Marshal, an  
573 agent of the division, a firefighter, a volunteer firefighter,  
574 or firesafety inspector commits ~~and who acts as such to require~~  
575 ~~a person to aid or assist him or her in any matter relating to~~  
576 ~~the duties of the State Fire Marshal, an agent of the division,~~  
577 ~~a firefighter, or a firesafety inspector is guilty of a felony~~  
578 of the third degree, punishable as provided in ss. 775.082 and  
579 775.083 or, if the impersonation occurs during the commission of  
580 a separate felony by that person, commits ~~is guilty of~~ a felony  
581 of the first degree, punishable as provided in ss. 775.082 and  
582 775.083.

583 Section 12. Section 633.171, Florida Statutes, is  
584 transferred and renumbered as section 633.124, Florida Statutes,  
585 and subsections (1) and (2) and paragraph (b) of subsection (3)  
586 of that section are amended, to read:

587 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
588 order to cease and desist or for failure to comply with  
589 corrective order.—

590 (1) A ~~Any~~ person who violates any provision of this chapter  
591 ~~law,~~ any order or rule of the State Fire Marshal, or any order  
592 to cease and desist or to correct conditions issued under this



360216

593 chapter commits a misdemeanor of the second degree, punishable  
594 as provided in s. 775.082 or s. 775.083.

595 (2) It is a misdemeanor of the first degree, punishable as  
596 provided in s. 775.082 or s. 775.083, to intentionally or  
597 willfully:

598 (a) Render a fire protection system, fire extinguisher, or  
599 preengineered system required by statute or by rule inoperative  
600 except while ~~during such time as~~ the fire protection system,  
601 fire extinguisher, or preengineered system is being serviced,  
602 hydrotested, tested, repaired, or recharged, except pursuant to  
603 court order.

604 (b) Obliterate the serial number on a fire extinguisher for  
605 purposes of falsifying service records.

606 (c) Improperly service, recharge, repair, hydrotest, test,  
607 or inspect a fire extinguisher or preengineered system.

608 (d) Use the license, certificate, or permit number of  
609 another person.

610 (e) Hold a license, certificate, or permit and allow  
611 another person to use the license, certificate, or said permit  
612 number.

613 (f) Use, or allow permit the use of, any license,  
614 certificate, or permit by any individual or organization other  
615 than the one to whom the license, certificate, or permit is  
616 issued.

617 (3)

618 (b) A person who initiates a pyrotechnic display within any  
619 structure commits a felony of the third degree, punishable as  
620 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

621 1. The structure has a fire protection system installed in



360216

622 compliance with s. 633.334 ~~633.065~~.

623         2. The owner of the structure has authorized in writing the  
624 pyrotechnic display.

625         3. If the local jurisdiction requires a permit for the use  
626 of a pyrotechnic display in an occupied structure, such permit  
627 has been obtained and all conditions of the permit complied with  
628 or, if the local jurisdiction does not require a permit for the  
629 use of a pyrotechnic display in an occupied structure, the  
630 person initiating the display has complied with National Fire  
631 Protection Association, Inc., Standard 1126, 2001 Edition,  
632 Standard for the Use of Pyrotechnics before a Proximate  
633 Audience.

634         Section 13. Section 633.175, Florida Statutes, is  
635 transferred and renumbered as section 633.126, Florida Statutes,  
636 and subsections (1), (2), (3), (6), and (9) of that section are  
637 amended, to read:

638         633.126 ~~633.175~~ Investigation of fraudulent insurance  
639 claims and crimes; immunity of insurance companies supplying  
640 information.-

641         (1) (a) As used in this section, the term "consultant" means  
642 any individual or entity, or employee of the individual or  
643 entity, retained by an insurer to assist in the investigation of  
644 a fire, explosion, or suspected fraudulent insurance act.

645         (b) The State Fire Marshal or an agent appointed pursuant  
646 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
647 s. 111.065, any law enforcement officer of a federal agency, or  
648 any fire service provider ~~department~~ official who is engaged in  
649 the investigation of a fire or explosion loss may request any  
650 insurance company or its agent, adjuster, employee, or attorney,



360216

651 investigating a claim under an insurance policy or contract with  
652 respect to a fire or explosion to release any information  
653 whatsoever in the possession of the insurance company or its  
654 agent, adjuster, employee, or attorney relative to a loss from  
655 that fire or explosion. The insurance company shall release the  
656 available information to and cooperate with any official  
657 authorized to request such information pursuant to this section.  
658 The information shall include, but shall not be limited to:

659 1.(a) Any insurance policy relevant to a loss under  
660 investigation and any application for such a policy.

661 2.(b) Any policy premium payment records.

662 3.(c) The records, reports, and all material pertaining to  
663 any previous claims made by the insured with the reporting  
664 company.

665 4.(d) Material relating to the investigation of the loss,  
666 including statements of a ~~any~~ person, proof of loss, and other  
667 relevant evidence.

668 5.(e) Memoranda, notes, and correspondence relating to the  
669 investigation of the loss in the possession of the insurance  
670 company or its agents, adjusters, employees, or attorneys.

671 (2) If an insurance company has reason to suspect that a  
672 fire or explosion loss to its insured's real or personal  
673 property was caused by intentional ~~incendiary~~ means, the company  
674 shall notify the State Fire Marshal and shall furnish her or him  
675 with all material acquired by the company during ~~the course of~~  
676 its investigation. The State Fire Marshal may adopt rules to  
677 implement this subsection.

678 (3) In the absence of fraud, bad faith, or malice, a ~~no~~  
679 representative of or consultant to an insurance company or of





360216

680 the National Insurance Crime Bureau employed to adjust or  
681 investigate losses caused by fire or explosion is not ~~shall be~~  
682 liable for damages in a civil action for furnishing information  
683 concerning fires or explosion suspected to be other than  
684 accidental to investigators employed by other insurance  
685 companies or the National Insurance Crime Bureau.

686 (6) The actions of an insurance company or of its agents,  
687 employees, adjusters, consultants, or attorneys, in complying  
688 with the statutory obligation of this section may not ~~shall in~~  
689 ~~no way~~ be construed by a court as a waiver or abandonment of any  
690 privilege or confidentiality of attorney work product, attorney-  
691 client communication, or such other privilege or immunity as is  
692 provided by law.

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

696 Section 14. Section 633.45, Florida Statutes, is  
697 transferred, renumbered as section 633.128, Florida Statutes,  
698 and amended to read:

699 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
700 duties.—

701 (1) The division shall:

702 (a) Establish, by rule, uniform minimum standards for the  
703 ~~employment and~~ training of firefighters and volunteer  
704 firefighters.

705 (b) Establish, by rule, minimum curriculum requirements and  
706 criteria used to approve education or training providers,  
707 including ~~for~~ schools operated by or for any fire service  
708 provider, employing agency for the specific purpose of training



360216

709 individuals seeking to become a firefighter recruits or  
710 volunteer firefighter firefighters.

711 (c) Specify, by rule, standards for the approval, denial of  
712 approval, probation, suspension, and revocation of approval of  
713 education or training providers and facilities for training  
714 firefighters and volunteer firefighters ~~Approve institutions,~~  
715 ~~instructors, and facilities for school operation by or for any~~  
716 ~~employing agency for the specific purpose of training~~  
717 ~~firefighters and firefighter recruits.~~

718 (d) Specify, by rule, standards for the certification,  
719 denial of certification, probation, and revocation of  
720 certification for instructors, approval, denial of approval,  
721 ~~probation, and revocation of approval of institutions,~~  
722 ~~instructors, and facilities for training firefighters and~~  
723 ~~firefighter recruits; including a rule requiring each that an~~  
724 instructor to ~~must~~ complete 40 hours of continuing education  
725 every 4 ~~3~~ years in order to maintain her or his certification  
726 ~~the approval of the department.~~

727 (e) Issue certificates of competency to persons who, by  
728 reason of experience and completion of basic inservice training,  
729 advanced education, or specialized training, are especially  
730 qualified for particular aspects or classes of firefighting  
731 ~~firefighter~~ duties.

732 (f) Establish, by rule, minimum training qualifications for  
733 persons serving as firesafety coordinators for their respective  
734 departments of state government and certify ~~all~~ persons who  
735 satisfy such qualifications.

736 (g) Establish a uniform lesson plan to be followed by  
737 firesafety instructors in the training of state employees in



360216

738 firesafety and emergency evacuation procedures.

739 (h) Have complete jurisdiction over, and complete  
740 management and control of, the Florida State Fire College and be  
741 invested with full power and authority to make all rules ~~and~~  
742 ~~regulations~~ necessary for the governance of the said  
743 institution.

744 (i) Appoint a superintendent of the Florida State Fire  
745 College and such other instructors, experimental helpers, and  
746 laborers as may be necessary and remove the same as in the  
747 division's ~~its~~ judgment and discretion may be best, fix their  
748 compensation, and provide for their payment.

749 (j) Have full management, possession, and control of the  
750 lands, buildings, structures, and property belonging to the  
751 Florida State Fire College.

752 (k) Provide for the courses of study and curriculum of the  
753 Florida State Fire College.

754 (l) Make rules ~~and regulations~~ for the admission of  
755 trainees to the Florida State Fire College.

756 (m) Visit and inspect the Florida State Fire College ~~and~~  
757 ~~every department thereof~~ and provide for the proper keeping of  
758 accounts and records thereof.

759 (n) Make and prepare all necessary budgets of expenditures  
760 for the enlargement, proper furnishing, maintenance, support,  
761 and conduct of the Florida State Fire College.

762 (o) Select and purchase all property, furniture, fixtures,  
763 and paraphernalia necessary for the Florida State Fire College.

764 (p) Build, construct, change, enlarge, repair, and maintain  
765 any and all buildings or structures of the Florida State Fire  
766 College that may at any time be necessary for the said



360216

767 institution and purchase and acquire all lands and property  
768 necessary for same, of every nature and description whatsoever.

769 (q) Care for and maintain the Florida State Fire College  
770 and do and perform every other matter or thing requisite to the  
771 proper management, maintenance, support, and control of the said  
772 institution, necessary or requisite to carry out fully the  
773 purpose of this chapter act and for raising it to, and  
774 maintaining it at, the proper efficiency and standard as  
775 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

776 (r) Issue a license, certificate, or permit of a specific  
777 class to an individual who successfully completes the training,  
778 education, and examination required under this chapter or by  
779 rule for such class of license, certificate, or permit.

780 (2) The division, subject to the limitations and  
781 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

782 (a) Adopt rules ~~and regulations~~ for the administration of  
783 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

784 (b) Adopt a seal and alter the same at its pleasure.

785 (c) Sue and be sued.

786 (d) Acquire any real or personal property by purchase,  
787 gift, or donation, and have water rights.

788 (e) Exercise the right of eminent domain to acquire any  
789 property and lands necessary to the establishment, operation,  
790 and expansion of the Florida State Fire College.

791 (f) Make contracts and execute necessary or convenient  
792 instruments.

793 (g) Undertake by contract or contracts, or by its own agent  
794 and employees, and otherwise than by contract, any project or  
795 projects, and operate and maintain such projects.



360216

796 (h) Accept grants of money, materials, or property of any  
797 kind from a federal agency, private agency, county,  
798 municipality, city, town, corporation, partnership, or  
799 individual upon such terms and conditions as the grantor may  
800 impose.

801 (i) Perform all acts and do all things necessary or  
802 convenient to carry out the powers granted herein and the  
803 purposes of this chapter ~~ss. 633.30-633.49~~.

804 (3) The title to all property referred to in part IV ~~ss.~~  
805 ~~633.43-633.49~~, however acquired, shall be vested in the  
806 department and shall only be transferred and conveyed by it.

807 Section 15. Section 633.132, Florida Statutes, is created  
808 to read:

809 633.132 Fees.-

810 (1) The division shall collect in advance the following  
811 fees that it deems necessary to be charged:

812 (a) Pursuant to part III of this chapter:

813 1. Contractor certificate initial application: \$300 for  
814 each class of certificate.

815 2. Contractor biennial renewal fee: \$150 for each class of  
816 certificate.

817 3. Contractor permit initial application fee: \$100 for each  
818 class of permit.

819 4. Contractor permit biennial renewal fee: \$50 for each  
820 class of permit.

821 5. Contractor examination or reexamination fee: \$100 for  
822 each class of certificate.

823 6. Fire equipment dealer license:

824 a. Class A: \$250.



360216

- 825        b. Class B: \$150.
- 826        c. Class C: \$150.
- 827        d. Class D: \$200.
- 828        7. Fire equipment dealer or contractor application and  
829 renewal fee for an inactive license: \$75.
- 830        8. Fire equipment dealer license or permit exam or  
831 reexamination: \$50.
- 832        9. Reinspection fee for a dealer equipment inspection  
833 conducted by the State Fire Marshal under s. 633.304(1): \$50 for  
834 each reinspection.
- 835        10. Permit for a portable fire extinguisher  
836 installer/repairer/inspector: \$90.
- 837        11. Permit for a preengineered fire extinguishing system  
838 installer/repairer/inspector: \$120.
- 839        12. Conversion of a fire equipment dealer's license to a  
840 different category: \$10 for each permit and license.
- 841        (b) Pursuant to part IV of this chapter:
- 842        1. Certificate of compliance: \$30.
- 843        2. Certificate of competency: \$30.
- 844        3. Renewal fee for a certificate of compliance, competency,  
845 or instruction: \$15.
- 846        (c) Duplicate or change of address for any license, permit,  
847 or certificate: \$10.
- 848        (2) All moneys collected by the State Fire Marshal pursuant  
849 to this chapter shall be deposited into the Insurance Regulatory  
850 Trust Fund.
- 851        Section 16. Section 633.39, Florida Statutes, is  
852 transferred and renumbered as section 633.134, Florida Statutes.
- 853        Section 17. Section 633.115, Florida Statutes, is



360216

854 transferred, renumbered as section 633.136, Florida Statutes,  
855 and amended to read:

856 633.136 ~~633.115~~ Fire and Emergency Incident Information  
857 Reporting Program; duties; fire reports.—

858 (1) (a) The Fire and Emergency Incident Information  
859 Reporting Program is created within the division ~~of State Fire~~  
860 ~~Marshal~~. The program shall:

861 1. Establish and maintain an electronic communication  
862 system capable of transmitting fire and emergency incident  
863 information to and between fire protection agencies.

864 2. Initiate a Fire and Emergency Incident Information  
865 Reporting System that shall be responsible for:

866 a. Receiving fire and emergency incident information from  
867 fire protection agencies.

868 b. Preparing and disseminating annual reports to the  
869 Governor, the President of the Senate, the Speaker of the House  
870 of Representatives, fire protection agencies, and, upon request,  
871 the public. Each report shall include, but not be limited to,  
872 the information listed in the National Fire Incident Reporting  
873 System.

874 c. Upon request, providing other states and federal  
875 agencies with fire and emergency incident data of this state.

876 3. Adopt rules to effectively and efficiently implement,  
877 administer, manage, maintain, and use the Fire and Emergency  
878 Incident Information Reporting Program. The rules shall be  
879 considered minimum requirements and shall not preclude a fire  
880 protection agency from implementing its own requirements which  
881 may ~~shall~~ not conflict with the rules of the division ~~of State~~  
882 ~~Fire Marshal~~.



360216

883           4. By rule, establish procedures and a format for each fire  
884 protection agency to voluntarily monitor its records and submit  
885 reports to the program.

886           5. Establish an electronic information database that ~~which~~  
887 is accessible and searchable by fire protection agencies.

888           (b) The division ~~of State Fire Marshal~~ shall consult with  
889 the Florida Forest Service of the Department of Agriculture and  
890 Consumer Services and the State Surgeon General of the  
891 Department of Health to coordinate data, ensure accuracy of the  
892 data, and limit duplication of efforts in data collection,  
893 analysis, and reporting.

894           (2) The Fire and Emergency Incident Information System  
895 Technical Advisory Panel is created within the division ~~of State~~  
896 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
897 the State Fire Marshal with respect to the requirements of this  
898 section. The membership of the panel shall consist of the  
899 following 15 members:

900           (a) The current 13 members of the Firefighters Employment,  
901 Standards, and Training Council as established in s. 633.402  
902 ~~633.31~~.

903           (b) One member from the Florida Forest Service of the  
904 Department of Agriculture and Consumer Services, appointed by  
905 the director of the Florida Forest Service.

906           (c) One member from the Department of Health, appointed by  
907 the State Surgeon General.

908           (3) For the purpose of this section, the term "fire  
909 protection agency" shall be defined by rule by the division ~~of~~  
910 ~~State Fire Marshal~~.

911           Section 18. Section 633.138, Florida Statutes, is created





360216

912 to read:

913 633.138 Notice of change of address of record; notice of  
914 felony actions.—

915 (1) Any individual issued a license, permit, or certificate  
916 under this chapter shall notify the division in writing of any  
917 changes to her or his current mailing address, e-mail address,  
918 and place of practice as specified in rule adopted by the  
919 division.

920 (2) Notwithstanding any other provision of law, delivery by  
921 regular mail or e-mail to a licensee, permittee, or  
922 certificateholder, using the last known mailing address or e-  
923 mail address on record with the division, constitutes adequate  
924 and sufficient notice to the licensee, permittee, or  
925 certificateholder of any official communication by the division.

926 (3) Any individual issued a license, permit, or certificate  
927 under this chapter shall notify the division in writing within  
928 30 days after pleading guilty or nolo contendere to, or being  
929 convicted or found guilty of, any felony or a crime punishable  
930 by imprisonment of 1 year or more under the law of the United  
931 States or of any state thereof, or under the law of any other  
932 country, without regard to whether a judgment of conviction has  
933 been entered by the court having jurisdiction of the case.

934 Section 19. Section 633.042, Florida Statutes, is  
935 transferred and renumbered as section 633.142, Florida Statutes,  
936 and subsection (11) of that section is amended, to read:

937 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
938 Standard and Firefighter Protection Act; preemption.—

939 (11) PREEMPTION.—

940 (a) This section shall be repealed if a federal reduced



360216

941 cigarette ignition propensity standard that preempts this  
942 section is adopted and becomes effective.

943 (b) Notwithstanding any other provision of law, local  
944 governmental units of this state may not enact or enforce any  
945 ordinance or other local law or rule conflicting with, or  
946 preempted by, any provision of this act or any policy of this  
947 state expressed by this act, whether that policy be expressed by  
948 inclusion of a provision in this act or by exclusion of that  
949 subject from this act.

950 Section 20. The Division of Law Revision and Information is  
951 requested to create part II of chapter 633, Florida Statutes,  
952 consisting of sections 633.202, 633.204, 633.206, 633.208,  
953 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,  
954 and 633.228, Florida Statutes, to be entitled "Fire Safety and  
955 Prevention."

956 Section 21. Section 633.0215, Florida Statutes, is  
957 transferred and renumbered as section 633.202, Florida Statutes,  
958 and subsections (2), (4), (7), (9), (10), and (12) through (15)  
959 of that section are amended, to read:

960 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

961 (2) The State Fire Marshal shall adopt the current edition  
962 of the National Fire Protection Association's Standard 1, Fire  
963 Prevention Code but may ~~shall~~ not adopt a building, mechanical,  
964 or plumbing code. The State Fire Marshal shall adopt the current  
965 edition of the Life Safety Code, NFPA Pamphlet 101, current  
966 editions, by reference. The State Fire Marshal may modify the  
967 selected codes and standards as needed to accommodate the  
968 specific needs of the state. Standards or criteria in the  
969 selected codes shall be similarly incorporated by reference. The



360216

970 State Fire Marshal shall incorporate within sections of the  
971 Florida Fire Prevention Code provisions that address uniform  
972 firesafety standards as established in s. 633.206 ~~633.022~~. The  
973 State Fire Marshal shall incorporate within sections of the  
974 Florida Fire Prevention Code provisions addressing regional and  
975 local concerns and variations.

976 (4) The State Fire Marshal shall update, by rule adopted  
977 pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
978 Prevention Code every 3 years. Once initially adopted and  
979 subsequently updated, the Florida Fire Prevention Code ~~and the~~  
980 ~~Life Safety Code~~ shall be adopted for use statewide without  
981 adoptions by local governments. When updating the Florida Fire  
982 Prevention Code ~~and the most recent edition of the Life Safety~~  
983 ~~Code~~, the State Fire Marshal shall consider changes made by the  
984 national model fire codes incorporated into the Florida Fire  
985 Prevention Code, the State Fire Marshal's own interpretations,  
986 declaratory statements, appellate decisions, and approved  
987 statewide and local technical amendments.

988 (7) Any local amendment adopted by a local government must  
989 strengthen the Fire Prevention Code requirements of the minimum  
990 firesafety code.

991 (9) The State Fire Marshal shall make rules that implement  
992 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for  
993 the purpose of accomplishing the objectives set forth in those  
994 sections.

995 (10) Notwithstanding other provisions of this chapter, if a  
996 county or a municipality within that county adopts an ordinance  
997 providing for a local amendment to the Florida Fire Prevention  
998 Code and that amendment provides a higher level of protection to



360216

999 the public than the level specified in the Florida Fire  
1000 Prevention Code, the local amendment becomes effective without  
1001 approval of the State Fire Marshal and is not rescinded pursuant  
1002 to ~~the provisions of~~ this section, provided that the ordinance  
1003 meets one or more of the following criteria:

1004 (a) The local authority has adopted, by ordinance, a fire  
1005 service facilities and operation plan that outlines goals and  
1006 objectives for related equipment, personnel, and capital  
1007 improvement needs of the local authority related to the specific  
1008 amendment for the next 5 years;

1009 (b) The local authority has adopted, by ordinance, a  
1010 provision requiring proportionate reduction in, or rebate or  
1011 waivers of, impact or other fees or assessments levied on  
1012 buildings that are built or modified in compliance with the more  
1013 stringent firesafety standards required by the local amendment;  
1014 or

1015 (c) The local authority has adopted, by ordinance, a growth  
1016 management plan that requires buildings and structures to be  
1017 equipped with more stringent firesafety requirements required by  
1018 the local amendment when these firesafety requirements are used  
1019 as the basis for planning infrastructure development, uses, or  
1020 housing densities.

1021  
1022 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
1023 process shall be the venue if there is a dispute between parties  
1024 affected by the provisions of the more stringent local  
1025 firesafety amendment adopted as part of the Florida Fire  
1026 Prevention Code pursuant to the authority in this subsection.  
1027 Local amendments adopted pursuant to this subsection shall be



360216

1028 deemed local or regional variations and published as such in the  
1029 Florida Fire Prevention Code. The act of publishing locally  
1030 adopted firesafety amendments to the Florida Fire Prevention  
1031 Code may ~~shall~~ not be construed to mean that the State Fire  
1032 Marshal approves or denies the authenticity or appropriateness  
1033 of the locally adopted firesafety provision, and the burden of  
1034 protecting the local firesafety amendment remains solely with  
1035 the adopting local governmental authority.

1036 ~~(12) Notwithstanding other provisions of this section, the~~  
1037 ~~State Fire Marshal shall study the use of managed, facilities-~~  
1038 ~~based, voice-over-Internet-protocol telephone service for~~  
1039 ~~monitoring fire alarm signals. If the study determines that~~  
1040 ~~voice-over-Internet-protocol telephone service technology~~  
1041 ~~provides a level of protection equivalent to that required by~~  
1042 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
1043 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
1044 ~~December 1, 2008, to allow the use of this technology as an~~  
1045 ~~additional method of monitoring fire alarm systems.~~

1046 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an expedited  
1047 declaratory statement relating to interpretations of ~~provisions~~  
1048 ~~of~~ the Florida Fire Prevention Code according to the following  
1049 guidelines:

1050 1. The declaratory statement shall be rendered in  
1051 accordance with s. 120.565, except that a final decision must be  
1052 issued by the State Fire Marshal within 45 days after the  
1053 division's receipt of a petition seeking an expedited  
1054 declaratory statement. The State Fire Marshal shall give notice  
1055 of the petition and the expedited declaratory statement or the  
1056 denial of the petition in the next available issue of the



360216

1057 Florida Administrative Register ~~Weekly~~ after the petition is  
1058 filed and after the statement or denial is rendered.

1059 2. The petitioner must be the owner of the disputed project  
1060 or the owner's representative.

1061 3. The petition for an expedited declaratory statement must  
1062 be:

1063 a. Related to an active project that is under construction  
1064 or must have been submitted for a permit.

1065 b. The subject of a written notice citing a specific  
1066 provision of the Florida Fire Prevention Code which is in  
1067 dispute.

1068 c. Limited to a single question that is capable of being  
1069 answered with a "yes" or "no" response.

1070 (b) A petition for a declaratory statement which does not  
1071 meet all of the requirements of this subsection must be denied  
1072 without prejudice. This subsection does not affect the right of  
1073 the petitioner as a substantially affected person to seek a  
1074 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1075 (13) ~~(14)~~ A condominium, cooperative, or multifamily  
1076 residential building that is less than four stories in height  
1077 and has an exterior corridor providing a means of egress is  
1078 exempt from installing a manual fire alarm system as required in  
1079 s. 9.6 of the most recent edition of the Life Safety Code  
1080 adopted in the Florida Fire Prevention Code. ~~This is intended to~~  
1081 ~~clarify existing law.~~

1082 (14) ~~(15)~~ The Legislature finds that the electronic filing  
1083 of construction plans will increase governmental efficiency,  
1084 reduce costs, and increase timeliness of processing permits. If  
1085 the fire code administrator or fire official provides for



360216

1086 electronic filing, any construction plans, drawings,  
1087 specifications, reports, final documents, or documents prepared  
1088 or issued by a licensee may be dated and electronically signed  
1089 and sealed by the licensee in accordance with part I of chapter  
1090 668, and may be transmitted electronically to the fire code  
1091 administrator or fire official for approval.

1092 Section 22. Section 633.72, Florida Statutes, is  
1093 transferred, renumbered as section 633.204, Florida Statutes,  
1094 and amended to read:

1095 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1096 (1) There is created within the department the Florida Fire  
1097 Code Advisory Council with 11 members appointed by the State  
1098 Fire Marshal. The council shall advise and recommend to the  
1099 State Fire Marshal changes to and interpretation of the uniform  
1100 firesafety standards adopted under s. 633.206 ~~633.022~~, the  
1101 Florida Fire Prevention Code, and those portions of the Florida  
1102 Fire Prevention Code that have the effect of conflicting with  
1103 building construction standards that are adopted pursuant to ss.  
1104 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of the  
1105 council shall represent the following groups and professions:

1106 (a) One member shall be the State Fire Marshal, or his or  
1107 her designated appointee who shall be an administrative employee  
1108 of the marshal.†

1109 (b) One member shall be an administrative officer from a  
1110 fire department representing a municipality, ~~or~~ or a county, or a  
1111 special district selected from a list of persons submitted by  
1112 the Florida Fire Chiefs Association.†

1113 (c) One member shall be an architect licensed in the state  
1114 selected from a list of persons submitted by the Florida



360216

1115 Association/American Institute of Architects.~~†~~

1116 (d) One member shall be an engineer with fire protection  
1117 design experience registered to practice in the state selected  
1118 from a list of persons submitted by the Florida Engineering  
1119 Society.~~†~~

1120 (e) One member shall be an administrative officer from a  
1121 building department of a county or municipality selected from a  
1122 list of persons submitted by the Building Officials Association  
1123 of Florida.~~†~~

1124 (f) One member shall be a contractor licensed in the state  
1125 selected from a list submitted by the Florida Home Builders  
1126 Association.~~†~~

1127 (g) One member shall be a Florida ~~certified~~ firefighter  
1128 selected from a list submitted by the Florida Professional  
1129 Firefighters' Association.~~†~~

1130 (h) One member shall be a Florida certified firesafety  
1131 ~~municipal fire~~ inspector selected from a list submitted by the  
1132 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~†~~

1133 (i) One member shall be selected from a list submitted by  
1134 the Department of Education.~~†~~

1135 (j) One member shall be selected from a list submitted by  
1136 the Chancellor of the State University System.~~†~~~~and~~

1137 (k) One member shall be representative of the general  
1138 public.

1139 (2) The State Fire Marshal and the Florida Building  
1140 Commission shall coordinate efforts to provide consistency  
1141 between the Florida Building Code and the Florida Fire  
1142 Prevention Code ~~and the Life Safety Code.~~

1143 (3) The council shall meet at least semiannually to advise





360216

1144 the State Fire Marshal's Office on matters subject to this  
1145 section.

1146 (4) The council may review proposed changes to the Florida  
1147 Fire Prevention Code and the uniform fire safety standards  
1148 pursuant to s. 633.202(4).

1149 (5)~~(3)~~ The council and Florida Building Commission shall  
1150 cooperate through joint representation and coordination of codes  
1151 and standards to resolve conflicts in their development,  
1152 updating, and interpretation.

1153 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member  
1154 shall serve more than two consecutive terms. A ~~No~~ member of the  
1155 council may not shall be paid a salary as such member, but each  
1156 shall receive travel and expense reimbursement as provided in s.  
1157 112.061.

1158 Section 23. Section 633.022, Florida Statutes, is  
1159 transferred and renumbered as section 633.206, Florida Statutes,  
1160 and subsection (1) and paragraph (a) of subsection (4) of that  
1161 section are amended, to read:

1162 633.206 ~~633.022~~ Uniform firesafety standards.—The  
1163 Legislature hereby determines that to protect the public health,  
1164 safety, and welfare it is necessary to provide for firesafety  
1165 standards governing the construction and utilization of certain  
1166 buildings and structures. The Legislature further determines  
1167 that certain buildings or structures, due to their specialized  
1168 use or to the special characteristics of the person utilizing or  
1169 occupying these buildings or structures, should be subject to  
1170 firesafety standards reflecting these special needs as may be  
1171 appropriate.

1172 (1) The department shall establish uniform firesafety



360216

1173 standards that apply to:

1174 (a) All new, existing, and proposed state-owned and state-  
1175 leased buildings, including state universities as defined under  
1176 s. 1000.21.

1177 (b) All new, existing, and proposed hospitals, nursing  
1178 homes, assisted living facilities, adult family-care homes,  
1179 correctional facilities, public schools, transient public  
1180 lodging establishments, public food service establishments,  
1181 elevators, migrant labor camps, mobile home parks, lodging  
1182 parks, recreational vehicle parks, recreational camps,  
1183 residential and nonresidential child care facilities, facilities  
1184 for the developmentally disabled, motion picture and television  
1185 special effects productions, tunnels, and self-service gasoline  
1186 stations, of which standards the State Fire Marshal is the final  
1187 administrative interpreting authority.

1188  
1189 In the event there is a dispute between the owners of the  
1190 buildings specified in paragraph (b) and a local authority  
1191 requiring a more stringent uniform firesafety standard for  
1192 sprinkler systems, the State Fire Marshal shall be the final  
1193 administrative interpreting authority and the State Fire  
1194 Marshal's interpretation regarding the uniform firesafety  
1195 standards shall be considered final agency action.

1196 (4) (a) Notwithstanding any provision of law to the  
1197 contrary, each nursing home licensed under part II of chapter  
1198 400 shall be protected throughout by an approved, supervised  
1199 automatic sprinkler system in accordance with s. 9 of National  
1200 Fire Protection Association, Inc., Life Safety Code, no later  
1201 than December 31, 2010. ~~A nursing home licensee shall submit~~



360216

1202 ~~complete sprinkler construction documents to the Agency for~~  
1203 ~~Health Care Administration for review by December 31, 2008, and~~  
1204 ~~the licensee must gain final approval to start construction from~~  
1205 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~  
1206 ~~extension to a nursing home licensee if the completion and~~  
1207 ~~submission of the sprinkler construction documents are~~  
1208 ~~contingent upon the approval of the application for the loan~~  
1209 ~~guarantee program authorized under s. 633.0245. In such case,~~  
1210 ~~the agency may extend the deadline for final approval to begin~~  
1211 ~~construction beyond June 30, 2009, but the deadline may not be~~  
1212 ~~extended beyond December 31, 2009.~~

1213 Section 24. Section 633.025, Florida Statutes, is  
1214 transferred, renumbered as section 633.208, Florida Statutes,  
1215 and amended to read:

1216 633.208 ~~633.025~~ Minimum firesafety standards.—

1217 (1) The Florida Fire Prevention Code ~~and the Life Safety~~  
1218 ~~Code~~ adopted by the State Fire Marshal, which shall operate in  
1219 conjunction with the Florida Building Code, shall be deemed  
1220 adopted by each municipality, county, and special district with  
1221 firesafety responsibilities. The minimum firesafety codes do  
1222 ~~shall~~ not apply to buildings and structures subject to the  
1223 uniform firesafety standards under s. 633.206 ~~633.022~~ and  
1224 buildings and structures subject to the minimum firesafety  
1225 standards adopted pursuant to s. 394.879.

1226 (2) Pursuant to subsection (1), each municipality, county,  
1227 and special district with firesafety responsibilities shall  
1228 enforce the Florida Fire Prevention Code ~~and the Life Safety~~  
1229 ~~Code~~ as the minimum firesafety code required by this section.

1230 ~~(3) The most current edition of the National Fire~~



360216

1231 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~  
1232 ~~the State Fire Marshal, shall be deemed to be adopted by each~~  
1233 ~~municipality, county, and special district with firesafety~~  
1234 ~~responsibilities as part of the minimum firesafety code.~~

1235       (3)(4) Such code ~~codes~~ shall be a minimum code ~~codes~~ and a  
1236 municipality, county, or special district with firesafety  
1237 responsibilities may adopt more stringent firesafety standards,  
1238 subject to the requirements of this subsection. Such county,  
1239 municipality, or special district may establish alternative  
1240 requirements to those requirements which are required under the  
1241 minimum firesafety standards on a case-by-case basis, in order  
1242 to meet special situations arising from historic, geographic, or  
1243 unusual conditions, if the alternative requirements result in a  
1244 level of protection to life, safety, or property equal to or  
1245 greater than the applicable minimum firesafety standards. For  
1246 the purpose of this subsection, the term "historic" means that  
1247 the building or structure is listed on the National Register of  
1248 Historic Places of the United States Department of the Interior.

1249       (a) The local governing body shall determine, following a  
1250 public hearing which has been advertised in a newspaper of  
1251 general circulation at least 10 days before the hearing, if  
1252 there is a need to strengthen the requirements of the minimum  
1253 firesafety code adopted by such governing body. The  
1254 determination must be based upon a review of local conditions by  
1255 the local governing body, which review demonstrates that local  
1256 conditions justify more stringent requirements than those  
1257 specified in the minimum firesafety code for the protection of  
1258 life and property or justify requirements that meet special  
1259 situations arising from historic, geographic, or unusual



360216

1260 conditions.

1261 (b) Such additional requirements may ~~shall~~ not be  
1262 discriminatory as to materials, products, or construction  
1263 techniques of demonstrated capabilities.

1264 (c) Paragraphs (a) and (b) apply solely to the local  
1265 enforcing agency's adoption of requirements more stringent than  
1266 those specified in the Florida Fire Prevention Code and the Life  
1267 Safety Code that have the effect of amending building  
1268 construction standards. Upon request, the enforcing agency must  
1269 ~~shall~~ provide a person making application for a building permit,  
1270 or any state agency or board with construction-related  
1271 regulation responsibilities, a listing of all such requirements  
1272 and codes.

1273 (d) A local government which adopts amendments to the  
1274 minimum firesafety code must provide a procedure by which the  
1275 validity of such amendments may be challenged by any  
1276 substantially affected party to test the amendment's compliance  
1277 with ~~the provisions of~~ this section.

1278 1. Unless the local government agrees to stay enforcement  
1279 of the amendment, or other good cause is shown, the challenging  
1280 party shall be entitled to a hearing on the challenge within 45  
1281 days.

1282 2. For purposes of such challenge, the burden of proof  
1283 shall be on the challenging party, but the amendment may ~~shall~~  
1284 not be presumed to be valid or invalid.

1285  
1286 This subsection gives local government the authority to  
1287 establish firesafety codes that exceed the Florida Fire  
1288 Prevention Code ~~minimum firesafety codes and standards~~ adopted



360216

1289 by the State Fire Marshal. The Legislature intends that local  
1290 government give proper public notice and hold public hearings  
1291 before adopting more stringent firesafety codes ~~and standards~~. A  
1292 substantially affected person may appeal, to the department, the  
1293 local government's resolution of the challenge, and the  
1294 department shall determine if the amendment complies with this  
1295 section. Actions of the department are subject to judicial  
1296 review pursuant to s. 120.68. The department shall consider  
1297 reports of the Florida Building Commission, pursuant to part IV  
1298 of chapter 553, when evaluating building code enforcement.

1299 ~~(4)~~ ~~(5)~~ The new building or structure provisions enumerated  
1300 within the Florida Fire Prevention Code ~~firesafety code~~ adopted  
1301 pursuant to this section shall apply only to buildings or  
1302 structures for which the building permit is issued on or after  
1303 the effective date of the current edition of the Florida Fire  
1304 Prevention Code ~~this act~~. Subject to ~~the provisions of~~  
1305 subsection ~~(5)~~ ~~(6)~~, the existing building or structure  
1306 provisions enumerated within the firesafety code adopted  
1307 pursuant to this section shall apply to buildings or structures  
1308 for which the building permit was issued or the building or  
1309 structure was constructed before ~~prior to~~ the effective date of  
1310 this act.

1311 ~~(5)~~ ~~(6)~~ With regard to existing buildings, the Legislature  
1312 recognizes that it is not always practical to apply any or all  
1313 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
1314 ~~firesafety code~~ and that physical limitations may require  
1315 disproportionate effort or expense with little increase in fire  
1316 or life safety ~~lifesafety~~. ~~Prior to applying the minimum~~  
1317 ~~firesafety code to an existing building, the local fire official~~



360216

1318 ~~shall determine that a threat to lifesafety or property exists.~~  
1319 If a threat to lifesafety or property exists, the firesafety  
1320 inspector ~~fire official~~ shall apply the applicable firesafety  
1321 code for existing buildings to the extent practical to assure a  
1322 reasonable degree of lifesafety and safety of property or the  
1323 firesafety inspector ~~fire official~~ shall fashion a reasonable  
1324 alternative which affords an equivalent degree of lifesafety and  
1325 safety of property. The decision of the local firesafety  
1326 inspector ~~fire official~~ may be appealed to the local  
1327 administrative board described in s. 553.73.

1328 (6) ~~(7)~~ Nothing herein shall preclude a municipality,  
1329 county, or special district from requiring a structure to be  
1330 maintained in accordance with the Florida Fire Prevention Code  
1331 ~~applicable firesafety code.~~

1332 (7) ~~(8)~~ Electrically operated single station smoke detectors  
1333 required for residential buildings are not required to be  
1334 interconnected within individual living units in all buildings  
1335 having direct access to the outside from each living unit and  
1336 having three stories or less. This subsection does not apply to  
1337 any residential building required to have a manual or an  
1338 automatic fire alarm system.

1339 (8) ~~(9)~~ The provisions of the Life Safety Code, as contained  
1340 in the Florida Fire Prevention Code, do shall not apply to newly  
1341 constructed one-family and two-family dwellings. However, fire  
1342 sprinkler protection may be permitted by local government in  
1343 lieu of other fire protection-related development requirements  
1344 for such structures. While local governments may adopt fire  
1345 sprinkler requirements for one- and two-family dwellings under  
1346 this subsection, it is the intent of the Legislature that the



360216

1347 economic consequences of the fire sprinkler mandate on home  
1348 owners be studied before the enactment of such a requirement.  
1349 After the effective date of this act, any local government that  
1350 desires to adopt a fire sprinkler requirement on one- or two-  
1351 family dwellings must prepare an economic cost and benefit  
1352 report that analyzes the application of fire sprinklers to one-  
1353 or two-family dwellings or any proposed residential subdivision.  
1354 The report must consider the tradeoffs and specific cost savings  
1355 and benefits of fire sprinklers for future owners of property.  
1356 The report must include an assessment of the cost savings from  
1357 any reduced or eliminated impact fees if applicable, the  
1358 reduction in special fire district tax, insurance fees, and  
1359 other taxes or fees imposed, and the waiver of certain  
1360 infrastructure requirements including the reduction of roadway  
1361 widths, the reduction of water line sizes, increased fire  
1362 hydrant spacing, increased dead-end roadway length and a  
1363 reduction in cul-de-sac sizes relative to the costs from fire  
1364 sprinkling. A failure to prepare an economic report shall result  
1365 in the invalidation of the fire sprinkler requirement to any  
1366 one- or two-family dwelling or any proposed subdivision. In  
1367 addition, a local jurisdiction or utility may not charge any  
1368 additional fee, above what is charged to a non-fire sprinklered  
1369 dwelling, on the basis that a one- or two-family dwelling unit  
1370 is protected by a fire sprinkler system.

1371 (9)~~(10)~~ Before imposing a fire sprinkler requirement on any  
1372 one- or two-family dwelling, a local government must provide the  
1373 owner of any one- or two-family dwelling a letter documenting  
1374 specific infrastructure or other tax or fee allowances and  
1375 waivers that are listed in but not limited to those described in





360216

1376 subsection (8) ~~(9)~~ for the dwelling. The documentation must show  
1377 that the cost savings reasonably approximate the cost of the  
1378 purchase and installation of a fire protection system.

1379 (10) ~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)  
1380 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire  
1381 sprinklers in any residential property based upon the use of  
1382 such property as a rental property or any change in or  
1383 reclassification of the property's primary use to a rental  
1384 property.

1385 Section 25. Section 633.026, Florida Statutes, is  
1386 transferred, renumbered as section 633.212, Florida Statutes,  
1387 and amended to read:

1388 633.212 ~~633.026~~ Legislative intent; informal  
1389 interpretations of the Florida Fire Prevention Code.—It is the  
1390 intent of the Legislature that the Florida Fire Prevention Code  
1391 be interpreted by fire officials and local enforcement agencies  
1392 in a manner that reasonably and cost-effectively protects the  
1393 public safety, health, and welfare; ensures uniform  
1394 interpretations throughout this state; and provides just and  
1395 expeditious processes for resolving disputes regarding such  
1396 interpretations. It is the further intent of the Legislature  
1397 that such processes provide for the expeditious resolution of  
1398 the issues presented and that the resulting interpretation of  
1399 such issues be published on the website of the division ~~of State~~  
1400 ~~Fire Marshal~~.

1401 (1) The division ~~of State Fire Marshal~~ shall by rule  
1402 establish an informal process of rendering nonbinding  
1403 interpretations of the Florida Fire Prevention Code. The  
1404 division ~~of State Fire Marshal~~ may contract with and refer



360216

1405 interpretive issues to a third party, selected based upon cost  
1406 effectiveness, quality of services to be performed, and other  
1407 performance-based criteria, which has experience in interpreting  
1408 and enforcing the Florida Fire Prevention Code. It is the intent  
1409 of the Legislature that the division ~~of State Fire Marshal~~  
1410 establish a Fire Code Interpretation Committee composed of seven  
1411 persons and seven alternates, equally representing each area of  
1412 the state, to which a party can pose questions regarding the  
1413 interpretation of the Florida Fire Prevention Code provisions.

1414 (2) Each member and alternate member of the Fire Code  
1415 Interpretation Committee must be certified as a firesafety  
1416 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
1417 minimum of 5 years of experience interpreting and enforcing the  
1418 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
1419 member and alternate member must be approved by the division ~~of~~  
1420 ~~State Fire Marshal~~ and deemed by the division to have met these  
1421 requirements for at least 30 days before participating in a  
1422 review of a nonbinding interpretation.

1423 (3) Each nonbinding interpretation of code provisions must  
1424 be provided within 10 business days after receipt of a request  
1425 for interpretation. The response period established in this  
1426 subsection may be waived only with the written consent of the  
1427 party requesting the nonbinding interpretation and the division  
1428 ~~of State Fire Marshal~~. Nonbinding interpretations shall be  
1429 advisory only and nonbinding on the parties or the State Fire  
1430 Marshal.

1431 (4) In order to administer this section, the division ~~of~~  
1432 ~~State Fire Marshal~~ shall charge a fee for nonbinding  
1433 interpretations. The fee may not exceed \$150 for each request



360216

1434 for a review or interpretation. The division may authorize  
1435 payment of fees directly to the nonprofit organization under  
1436 contract pursuant to subsection (1).

1437 (5) A party requesting a nonbinding interpretation who  
1438 disagrees with the interpretation issued under this section may  
1439 apply for a declaratory statement ~~formal interpretation~~ from the  
1440 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

1441 (6) The division ~~of State Fire Marshal~~ shall issue or cause  
1442 to be issued a nonbinding interpretation of the Florida Fire  
1443 Prevention Code pursuant to this section when requested to do so  
1444 upon submission of a petition by a fire official or by the owner  
1445 or owner's representative or the contractor or contractor's  
1446 representative of a project in dispute. The division shall adopt  
1447 a petition form by rule, and the petition form must be published  
1448 on the State Fire Marshal's website. The form must ~~shall~~, at a  
1449 minimum, require:

1450 (a) The name and address of the local fire official,  
1451 including the address of the county, municipality, or special  
1452 district.

1453 (b) The name and address of the owner or owner's  
1454 representative or the contractor or contractor's representative.

1455 (c) A statement of the specific sections of the Florida  
1456 Fire Prevention Code being interpreted by the local fire  
1457 official.

1458 (d) An explanation of how the petitioner's substantial  
1459 interests are being affected by the local interpretation of the  
1460 Florida Fire Prevention Code.

1461 (e) A statement of the interpretation of the specific  
1462 sections of the Florida Fire Prevention Code by the local fire



360216

1463 official.

1464 (f) A statement of the interpretation that the petitioner  
1465 contends should be given to the specific sections of the Florida  
1466 Fire Prevention Code and a statement supporting the petitioner's  
1467 interpretation.

1468 (7) Upon receipt of a petition that meets the requirements  
1469 of subsection (6), the division ~~of State Fire Marshal~~ shall  
1470 immediately provide copies of the petition to the Fire Code  
1471 Interpretation Committee, and shall publish the petition and any  
1472 response submitted by the local fire official on the State Fire  
1473 Marshal's website.

1474 (8) The committee shall conduct proceedings as necessary to  
1475 resolve the issues and give due regard to the petition, the  
1476 facts of the matter at issue, specific code sections cited, and  
1477 any statutory implications affecting the Florida Fire Prevention  
1478 Code. The committee shall issue an interpretation regarding the  
1479 provisions of the Florida Fire Prevention Code within 10 days  
1480 after the filing of a petition. The committee shall issue an  
1481 interpretation based upon the Florida Fire Prevention Code or,  
1482 if the code is ambiguous, the intent of the code. The  
1483 committee's interpretation shall be provided to the petitioner  
1484 and shall include a notice that if the petitioner disagrees with  
1485 the interpretation, the petitioner may file a request for a  
1486 declaratory statement ~~formal interpretation~~ by the State Fire  
1487 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
1488 interpretation shall be provided to the State Fire Marshal, and  
1489 the division shall publish the declaratory statement  
1490 ~~interpretation~~ on the State Fire Marshal's website and in the  
1491 Florida Administrative Register ~~Weekly~~.



360216

1492 Section 26. Section 633.052, Florida Statutes, is  
1493 transferred and renumbered as section 633.214, Florida Statutes,  
1494 and paragraphs (a) and (b) of subsection (1), paragraph (d) of  
1495 subsection (2), and subsections (3) and (4) of that section are  
1496 amended, to read:

1497 633.214 ~~633.052~~ Ordinances relating to firesafety;  
1498 definitions; penalties.-

1499 (1) As used in this section:

1500 (a) A "firesafety inspector" is an individual certified by  
1501 the division of ~~State Fire Marshal~~, officially assigned the  
1502 duties of conducting firesafety inspections of buildings and  
1503 facilities on a recurring or regular basis, investigating civil  
1504 infractions relating to firesafety, and issuing citations  
1505 pursuant to this section on behalf of the state or any county,  
1506 municipality, or special district with firesafety  
1507 responsibilities.

1508 (b) "Citation" means a written notice, issued only after a  
1509 written warning has been previously issued and a minimum time  
1510 period of 45 days, except for major structural changes, which  
1511 may be corrected within an extended adequate period of time,  
1512 from the date of the issuance of the warning whereby the party  
1513 warned may correct the alleged violation, issued to a person by  
1514 a firesafety inspector, that the firesafety inspector has  
1515 probable cause to believe that the person has committed a civil  
1516 infraction in violation of a duly enacted ordinance and that the  
1517 county court will hear the charge. The citation must ~~shall~~  
1518 contain:

- 1519 1. The date and time of issuance.  
1520 2. The name and address of the person.



360216

- 1521           3. The date and time the civil infraction was committed.  
1522           4. The facts constituting probable cause.  
1523           5. The Florida Fire Prevention Code ordinance violated.  
1524           6. The name and authority of the firesafety inspector  
1525 ~~officer~~.  
1526           7. The procedure for the person to follow in order to pay  
1527 the civil penalty or to contest the citation.  
1528           8. The applicable civil penalty if the person elects to  
1529 contest the citation.  
1530           9. The applicable civil penalty if the person elects not to  
1531 contest the citation.  
1532           10. A conspicuous statement that if the person fails to pay  
1533 the civil penalty within the time allowed or fails to appear in  
1534 court to contest the citation, then she or he shall be deemed to  
1535 have waived her or his right to contest the citation and that,  
1536 in such case, judgment may be entered against the person for an  
1537 amount up to the maximum civil penalty.  
1538           (2) A county or municipality that has created a code  
1539 enforcement board or special magistrate system pursuant to  
1540 chapter 162 may enforce firesafety code violations as provided  
1541 in chapter 162. The governing body of a county or municipality  
1542 which has not created a code enforcement board or special  
1543 magistrate system for firesafety under chapter 162 may ~~is~~  
1544 ~~authorized to~~ enact ordinances relating to firesafety codes,  
1545 which ordinances shall provide:  
1546           (d) For the issuance of a citation by an officer who has  
1547 probable cause to believe that a person has committed a  
1548 violation of an ordinance relating to firesafety or the Florida  
1549 Fire Prevention Code.



360216

1550 (3) A person ~~Any person~~ who willfully refuses to sign and  
1551 accept a citation issued by a firesafety inspector commits ~~shall~~  
1552 ~~be guilty of~~ a misdemeanor of the second degree, punishable as  
1553 provided in s. 775.082 or s. 775.083.

1554 (4) ~~Nothing contained in~~ This section does not ~~shall~~  
1555 prevent any county, ~~or~~ municipality, or special district from  
1556 enacting any ordinance relating to firesafety codes which is  
1557 identical to ~~the provisions of~~ this chapter or any state law,  
1558 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or  
1559 special district ordinance relating to firesafety codes may not  
1560 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other  
1561 state law.

1562 Section 27. Section 633.081, Florida Statutes, is  
1563 transferred and renumbered as section 633.216, Florida Statutes,  
1564 a new subsection (6) is added to that section, and present  
1565 subsections (1) and (2), paragraph (c) of subsection (3), and  
1566 subsections (4) through (9) of that section are amended, to  
1567 read:

1568 633.216 ~~633.081~~ Inspection of buildings and equipment;  
1569 orders; firesafety inspection training requirements;  
1570 certification; disciplinary action.—The State Fire Marshal and  
1571 her or his agents or persons authorized to enforce laws and  
1572 rules of the State Fire Marshal shall, at any reasonable hour,  
1573 when the State Fire Marshal has reasonable cause to believe that  
1574 a violation of this chapter or s. 509.215, or a rule adopted  
1575 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by  
1576 the State Fire Marshal or a local authority, may exist, inspect  
1577 any and all buildings and structures which are subject to the  
1578 requirements of this chapter or s. 509.215 and rules adopted



360216

1579 ~~promulgated~~ thereunder. The authority to inspect shall extend to  
1580 all equipment, vehicles, and chemicals which are located on or  
1581 within the premises of any such building or structure.

1582 (1) Each county, municipality, and special district that  
1583 has firesafety enforcement responsibilities shall employ or  
1584 contract with a firesafety inspector. Except as provided in s.  
1585 633.312(2) and (3) 633.082(2), the firesafety inspector must  
1586 conduct all firesafety inspections that are required by law. The  
1587 governing body of a county, municipality, or special district  
1588 that has firesafety enforcement responsibilities may provide a  
1589 schedule of fees to pay only the costs of inspections conducted  
1590 pursuant to this subsection and related administrative expenses.  
1591 Two or more counties, municipalities, or special districts that  
1592 have firesafety enforcement responsibilities may jointly employ  
1593 or contract with a firesafety inspector.

1594 (2) Except as provided in s. 633.312(2) 633.082(2), every  
1595 firesafety inspection conducted pursuant to state or local  
1596 firesafety requirements shall be by a person certified as having  
1597 met the inspection training requirements set by the State Fire  
1598 Marshal. Such person shall meet the requirements of s.  
1599 633.412(1)(a)-(d), and:

1600 (a) ~~Be a high school graduate or the equivalent as~~  
1601 ~~determined by the department;~~

1602 (b) ~~Not have been found guilty of, or having pleaded guilty~~  
1603 ~~or nolo contendere to, a felony or a crime punishable by~~  
1604 ~~imprisonment of 1 year or more under the law of the United~~  
1605 ~~States, or of any state thereof, which involves moral turpitude,~~  
1606 ~~without regard to whether a judgment of conviction has been~~  
1607 ~~entered by the court having jurisdiction of such cases;~~





360216

1608           ~~(c) Have her or his fingerprints on file with the~~  
1609 ~~department or with an agency designated by the department;~~  
1610           ~~(d) Have good moral character as determined by the~~  
1611 ~~department;~~  
1612           ~~(e) Be at least 18 years of age;~~  
1613           ~~(f) Have satisfactorily completed the firesafety inspector~~  
1614 ~~certification examination as prescribed by division rule the~~  
1615 ~~department; and~~  
1616           **(b)**~~(g)~~1. Have satisfactorily completed, as determined by  
1617 division rule ~~the department~~, a firesafety inspector training  
1618 program of at least ~~not less than~~ 200 hours established by the  
1619 department and administered by education or training providers  
1620 ~~agencies and institutions~~ approved by the department for the  
1621 purpose of providing basic certification training for firesafety  
1622 inspectors; or  
1623           2. Have received ~~in another state~~ training in another state  
1624 which is determined by the division ~~department~~ to be at least  
1625 equivalent to that required by the department for approved  
1626 firesafety inspector education and training programs in this  
1627 state.  
1628           (3)  
1629           (c)1. To be certified as a firesafety inspector under this  
1630 section, a ~~any~~ person who:  
1631           a. Is a special state firesafety inspector on July 1, 2011,  
1632 and who does not have 5 years of experience as a special state  
1633 firesafety inspector as of July 1, 2011; or  
1634           b. Has 5 years of experience as a special state firesafety  
1635 inspector but has failed the examination taken as provided in  
1636 paragraph (2) (a) ~~(2) (f)~~, must take an additional 80 hours of the



360216

1637 courses described in paragraph (2) (b) ~~(2) (g)~~.

1638         2. After successfully completing the courses described in  
1639 this paragraph, such person may take the firesafety inspection  
1640 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such  
1641 examination is taken before July 1, 2013.

1642         3. Upon passing the examination, the person shall be  
1643 certified as a firesafety inspector as provided in this section.

1644         4. A person who fails the course of study or the  
1645 examination described in this paragraph may not perform any  
1646 firesafety inspection required by law on or after July 1, 2013.

1647         (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~  
1648 may conduct firesafety inspections, under the supervision of a  
1649 certified firesafety inspector, while on duty as a member of a  
1650 fire department company conducting inservice firesafety  
1651 inspections without being certified as a firesafety inspector,  
1652 if such firefighter has satisfactorily completed an inservice  
1653 fire department company inspector training program of at least  
1654 24 hours' duration as provided by rule of the department.

1655         (5) Every firesafety inspector certificate is valid for a  
1656 period of 4 ~~3~~ years from the date of issuance. Renewal of  
1657 certification is subject to the affected person's completing  
1658 proper application for renewal and meeting all of the  
1659 requirements for renewal as established under this chapter or by  
1660 rule adopted under this chapter, which must ~~shall~~ include  
1661 completion of at least 54 ~~40~~ hours during the preceding 4-year  
1662 ~~3-year~~ period of continuing education as required by the rule of  
1663 the department or, in lieu thereof, successful passage of an  
1664 examination as established by the department.

1665         (6) A previously certified firesafety inspector whose



360216

1666 certification has lapsed for 8 years or more must repeat the  
1667 fire safety inspector training as specified by the division.

1668 (7)~~(6)~~ The State Fire Marshal may deny, refuse to renew,  
1669 suspend, or revoke the certificate of a firesafety inspector if  
1670 the State Fire Marshal finds that any of the following grounds  
1671 exist:

1672 (a) Any cause for which issuance of a certificate could  
1673 have been refused had it then existed and been known to the  
1674 division ~~State Fire Marshal.~~

1675 (b) Violation of this chapter or any rule or order of the  
1676 State Fire Marshal.

1677 (c) Falsification of records relating to the certificate.

1678 ~~(d) Having been found guilty of or having pleaded guilty or~~  
1679 ~~nolo contendere to a felony, whether or not a judgment of~~  
1680 ~~conviction has been entered.~~

1681 (d)~~(e)~~ Failure to meet any of the renewal requirements.

1682 ~~(f) Having been convicted of a crime in any jurisdiction~~  
1683 ~~which directly relates to the practice of fire code inspection,~~  
1684 ~~plan review, or administration.~~

1685 (e)~~(g)~~ Making or filing a report or record that the  
1686 certificateholder knows to be false, or knowingly inducing  
1687 another to file a false report or record, or knowingly failing  
1688 to file a report or record required by state or local law, or  
1689 knowingly impeding or obstructing such filing, or knowingly  
1690 inducing another person to impede or obstruct such filing.

1691 (f)~~(h)~~ Failing to properly enforce applicable fire codes or  
1692 permit requirements within this state which the  
1693 certificateholder knows are applicable by committing willful  
1694 misconduct, gross negligence, gross misconduct, repeated



360216

1695 negligence, or negligence resulting in a significant danger to  
1696 life or property.

1697 (g)~~(i)~~ Accepting labor, services, or materials at no charge  
1698 or at a noncompetitive rate from a ~~any~~ person who performs work  
1699 that is under the enforcement authority of the certificateholder  
1700 and who is not an immediate family member of the  
1701 certificateholder. For the purpose of this paragraph, the term  
1702 "immediate family member" means a spouse, child, parent,  
1703 sibling, grandparent, aunt, uncle, or first cousin of the person  
1704 or the person's spouse or a ~~any~~ person who resides in the  
1705 primary residence of the certificateholder.

1706 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida  
1707 Building Code Administrators and Inspectors Board, established  
1708 pursuant to s. 468.605, shall enter into a reciprocity agreement  
1709 to facilitate joint recognition of continuing education  
1710 recertification hours for certificateholders licensed under s.  
1711 468.609 and firesafety inspectors certified under subsection  
1712 (2).

1713 (9)~~(8)~~ The State Fire Marshal shall develop by rule an  
1714 advanced training and certification program for firesafety  
1715 inspectors having fire code management responsibilities. The  
1716 program must be consistent with the appropriate provisions of  
1717 NFPA 1037, or similar standards adopted by the division, and  
1718 establish minimum training, education, and experience levels for  
1719 firesafety inspectors having fire code management  
1720 responsibilities.

1721 (10)~~(9)~~ The department shall provide by rule for the  
1722 certification of firesafety inspectors and Fire Code  
1723 Administrators.



360216

1724 Section 28. Section 633.085, Florida Statutes, is  
1725 transferred and renumbered as section 633.218, Florida Statutes,  
1726 paragraph (a) of subsection (1) and subsections (2) through (5)  
1727 of that section are amended, and paragraphs (e) and (f) are  
1728 added to subsection (1) of that section, to read:

1729 633.218 ~~633.085~~ Inspections of state buildings and  
1730 premises; tests of firesafety equipment; building plans to be  
1731 approved.—

1732 (1) (a) It is the duty of the State Fire Marshal and her or  
1733 his agents to inspect, or cause to be inspected, each state-  
1734 owned building on a recurring basis established by rule, and to  
1735 ensure that high-hazard occupancies are inspected at least  
1736 annually, for the purpose of ascertaining and causing to be  
1737 corrected any conditions liable to cause fire or endanger life  
1738 from fire and any violation of the firesafety standards for  
1739 state-owned buildings, ~~the provisions of this chapter, or the~~  
1740 ~~rules or regulations adopted and promulgated~~ pursuant hereto.  
1741 The State Fire Marshal shall, within 7 days following an  
1742 inspection, submit a report of such inspection to the head of  
1743 the ~~department of state agency government~~ responsible for the  
1744 building.

1745 (e) For purposes of this section:

1746 1.a. The term "high-hazard occupancy" means any building or  
1747 structure:

1748 (I) That contains combustible or explosive matter or  
1749 flammable conditions dangerous to the safety of life or  
1750 property;

1751 (II) At which persons receive educational instruction;

1752 (III) At which persons reside, excluding private dwellings;



360216

1753 or

1754 (IV) Containing three or more floor levels.

1755 b. As used in this subparagraph, the phrase "building or  
1756 structure":

1757 (I) Includes, but is not limited to, all hospitals and  
1758 residential health care facilities, nursing homes and other  
1759 adult care facilities, correctional or detention facilities,  
1760 public schools, public lodging establishments, migrant labor  
1761 camps, residential child care facilities, and self-service  
1762 gasoline stations.

1763 (II) Does not include any residential condominium where the  
1764 declaration of condominium or the bylaws provide that the rental  
1765 of units shall not be permitted for less than 90 days.

1766 2. The term "state-owned building," includes private  
1767 correctional facilities as defined under s. 944.710(3) and state  
1768 universities as defined under s. 1000.21(6).

1769 (f) A state-owned building or state-leased building or  
1770 space shall be identified through use of the United States  
1771 National Grid Coordinate System.

1772 (2) The State Fire Marshal and her or his agents may ~~shall~~  
1773 conduct performance tests on any electronic fire warning and  
1774 smoke detection system, and any pressurized air-handling unit,  
1775 in any state-owned building or state-leased building or space on  
1776 a recurring basis as provided in subsection (1). The State Fire  
1777 Marshal and her or his agents shall also ensure that fire drills  
1778 are conducted in all high-hazard state-owned buildings or high-  
1779 hazard state-leased ~~high-hazard~~ occupancies at least annually.

1780 (3) All construction of any new state-owned building or  
1781 state-leased building or space, or any renovation, alteration,



360216

1782 or change of occupancy of any existing, state-owned building or  
1783 state-leased building or space must ~~shall~~ comply with the  
1784 uniform firesafety standards of the State Fire Marshal.

1785 (a) For all new construction or renovation, alteration, or  
1786 change of occupancy of state-leased space, compliance with the  
1787 uniform firesafety standards shall be determined by reviewing  
1788 the plans for the proposed construction or occupancy submitted  
1789 by the lessor to the division ~~of State Fire Marshal~~ for review  
1790 and approval before ~~prior to~~ commencement of construction or  
1791 occupancy, which review shall be completed within 10 working  
1792 days after receipt of the plans by the division ~~of State Fire~~  
1793 ~~Marshal~~.

1794 (b) The plans for all construction of any new, or  
1795 renovation or alteration of any existing, state-owned building  
1796 are subject to the review and approval of the division ~~of State~~  
1797 ~~Fire Marshal~~ for compliance with the uniform firesafety  
1798 standards before ~~prior to~~ commencement of construction or change  
1799 of occupancy, which review shall be completed within 30 calendar  
1800 days of receipt of the plans by the division ~~of State Fire~~  
1801 ~~Marshal~~.

1802 (4) The division ~~of State Fire Marshal~~ may inspect state-  
1803 owned buildings and space and state-leased buildings and space  
1804 as necessary before ~~prior to~~ occupancy or during construction,  
1805 renovation, or alteration to ascertain compliance with the  
1806 uniform firesafety standards. Whenever the division ~~of State~~  
1807 ~~Fire Marshal~~ determines by virtue of such inspection or by  
1808 review of plans that construction, renovation, or alteration of  
1809 state-owned buildings and state-leased buildings or space is not  
1810 in compliance with the uniform firesafety standards, the



360216

1811 division ~~of State Fire Marshal~~ shall issue an order to cease  
1812 construction, renovation, or alteration, or to preclude  
1813 occupancy, of a building until compliance is obtained, except  
1814 for those activities required to achieve such compliance.

1815 (5) The division ~~of State Fire Marshal~~ shall by rule  
1816 provide a schedule of fees to pay for the costs of the  
1817 inspections, whether recurring or high hazard, any firesafety  
1818 review or plans for proposed construction, renovations, or  
1819 occupancy, and related administrative expenses.

1820 Section 29. Section 633.027, Florida Statutes, is  
1821 transferred and renumbered as section 633.222, Florida Statutes,  
1822 and subsection (3) of that section is amended, to read:

1823 633.222 ~~633.027~~ Buildings with light-frame truss-type  
1824 construction; notice requirements; enforcement.-

1825 (3) The State Fire Marshal, and local fire officials in  
1826 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~  
1827 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the  
1828 requirements of this section is subject to penalties as provided  
1829 in s. 633.228 ~~633.161~~.

1830 Section 30. Section 633.60, Florida Statutes, is  
1831 transferred and renumbered as section 633.224, Florida Statutes,  
1832 and subsection (1) of that section is amended, to read:

1833 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-  
1834 family dwellings, two-family dwellings, and mobile homes.-

1835 (1) It is unlawful for a ~~any~~ person to engage in the  
1836 business or act in the capacity of a contractor of automatic  
1837 fire sprinkler systems for one-family dwellings, two-family  
1838 dwellings, and mobile homes without having been duly certified  
1839 and holding a current certificate as a Contractor I, Contractor





360216

1840 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

1841 Section 31. Section 633.557, Florida Statutes, is  
1842 transferred and renumbered as section 633.226, Florida Statutes.

1843 Section 32. Section 633.161, Florida Statutes, is  
1844 transferred and renumbered as section 633.228, Florida Statutes,  
1845 and paragraphs (a) and (b) of subsection (1), paragraph (a) of  
1846 subsection (2), and subsection (3) of that section are amended,  
1847 to read:

1848 633.228 ~~633.161~~ Violations; orders to cease and desist,  
1849 correct hazardous conditions, preclude occupancy, or vacate;  
1850 enforcement; penalties.-

1851 (1) If it is determined by the department that a violation  
1852 specified in this subsection exists, the State Fire Marshal or  
1853 her or his deputy may issue and deliver to the person committing  
1854 the violation an order to cease and desist from such violation,  
1855 to correct any hazardous condition, to preclude occupancy of the  
1856 affected building or structure, or to vacate the premises of the  
1857 affected building or structure. Such violations are:

1858 (a) Except as set forth in paragraph (b), a violation of  
1859 any provision of this chapter, of any rule adopted pursuant  
1860 thereto, of any applicable uniform firesafety standard adopted  
1861 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed  
1862 by any alternative requirements adopted on a local level, or of  
1863 any minimum firesafety standard adopted pursuant to s. 394.879.

1864 (b) A substantial violation of an applicable minimum  
1865 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which  
1866 is not reasonably addressed by any alternative requirement  
1867 imposed at the local level, or an unreasonable interpretation of  
1868 an applicable minimum firesafety standard, and which violation



360216

1869 or interpretation clearly constitutes a danger to lifesafety.

1870 (2) (a) If, during the conduct of a firesafety inspection  
1871 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is  
1872 determined that a violation described in this section exists  
1873 which poses an immediate danger to the public health, safety, or  
1874 welfare, the State Fire Marshal may issue an order to vacate the  
1875 building in question, which order shall be immediately effective  
1876 and shall be an immediate final order under s. 120.569(2) (n).  
1877 With respect to a facility under the jurisdiction of a district  
1878 school board or community college board of trustees, the order  
1879 to vacate shall be issued jointly by the district superintendent  
1880 or college president and the State Fire Marshal.

1881 (3) A ~~Any~~ person who violates or fails to comply with any  
1882 order under subsection (1) or subsection (2) commits is guilty  
1883 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

1884 Section 33. The Division of Law Revision and Information is  
1885 directed to create part III of chapter 633, Florida Statutes,  
1886 consisting of sections 633.302, 633.304, 633.306, 633.308,  
1887 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,  
1888 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,  
1889 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled  
1890 "Fire Protection and Suppression."

1891 Section 34. Section 633.511, Florida Statutes, is  
1892 transferred, renumbered as section 633.302, Florida Statutes,  
1893 and amended to read:

1894 633.302 ~~633.511~~ Florida Fire Safety Board; membership;  
1895 duties; meetings; officers; quorum; compensation; seal.—

1896 (1) The Florida Fire Safety Board is created consisting of  
1897 seven members who are ~~citizens and~~ residents of this state. One



360216

1898 shall be the State Fire Marshal, or her or his designee  
1899 ~~designated appointee~~ who shall be an administrative employee of  
1900 the marshal; one shall be an administrative officer from a  
1901 building department representing an incorporated municipality or  
1902 a county; one shall be an administrative officer from a fire  
1903 department representing an incorporated municipality or a  
1904 county; two shall be contractors licensed pursuant to s. 633.318  
1905 ~~633.521~~; and two shall be persons who hold valid licenses under  
1906 s. 633.304 ~~633.061~~.

1907 (2) (a) To be eligible for appointment, each contractor must  
1908 ~~shall~~ personally hold a current certificate of competency and a  
1909 current license issued by the division ~~State Fire Marshal~~,  
1910 together with an unexpired occupational license to operate as a  
1911 contractor issued by an incorporated municipality or a county;  
1912 be actively engaged in such business and have been so engaged  
1913 for a period of not less than 5 consecutive years before the  
1914 date of her or his appointment; and be a ~~citizen and~~ resident of  
1915 the state.

1916 (b) To be eligible for appointment, each fire equipment  
1917 dealer must ~~shall~~ personally hold a current Class A, B, or C and  
1918 Class D fire equipment dealer license issued by the division  
1919 ~~State Fire Marshal~~, together with an unexpired occupational  
1920 license to operate as a fire equipment dealer issued by an  
1921 incorporated municipality or a county; must ~~shall~~ be actively  
1922 engaged in such business and have been so engaged for a period  
1923 of not less than 5 consecutive years before the date of  
1924 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this  
1925 state.

1926 (3) The State Fire Marshal's term on the board, or that of



360216

1927 her or his designee ~~designated administrative employee~~, shall  
1928 coincide with the State Fire Marshal's term of office. Of the  
1929 other six members of the board, one member shall be appointed  
1930 for a term of 1 year, one member for a term of 2 years, two  
1931 members for terms of 3 years, and two members for terms of 4  
1932 years. All terms expire on June 30 of the last year of the term.  
1933 When Effective July 1, 1997, as the term of a each member  
1934 expires, the State Fire Marshal shall appoint a member to fill  
1935 the vacancy for a term of 4 years. The State Fire Marshal may  
1936 remove any appointed member for cause. A vacancy in the  
1937 membership of the board for any cause shall be filled by  
1938 appointment by the State Fire Marshal for the balance of the  
1939 unexpired term.

1940 (4) The board shall act in an advisory capacity to the  
1941 State Fire Marshal and shall meet regularly as the need presents  
1942 itself. The board shall have the authority to review complaints  
1943 and disputed administrative action and make recommendations for  
1944 disciplinary action to the division at the request of the  
1945 licenseholder, permitholder, or certificateholder. The board  
1946 will serve in an advisory capacity to the division regarding  
1947 rules, codes, standards, interpretations, and training. As soon  
1948 as practicable after July 1, 2013, the board shall meet to elect  
1949 officers from its membership, whose terms shall expire on June  
1950 30 and annually thereafter. A majority of the board shall  
1951 constitute a quorum. A member of the advisory board may not be  
1952 paid a salary as such member, but shall be reimbursed for  
1953 necessary expenses while attending advisory board meetings,  
1954 including travel in the performance of her or his duties, as  
1955 provided in s. 112.061.



360216

1956           (5) The board shall adopt a seal for its use containing the  
1957 words "Florida Fire Safety Board."

1958           Section 35. Section 633.061, Florida Statutes, is  
1959 transferred and renumbered as section 633.304, Florida Statutes,  
1960 and subsections (1) through (4) and subsection (9) of that  
1961 section are amended, to read:

1962           633.304 ~~633.061~~ Fire suppression equipment; license to  
1963 install or maintain.—

1964           (1) It is unlawful for any organization or individual to  
1965 engage in the business of servicing, repairing, recharging,  
1966 testing, marking, inspecting, installing, or hydrotesting any  
1967 fire extinguisher or preengineered system in this state except  
1968 in conformity with ~~the provisions of~~ this chapter. Each  
1969 organization or individual that engages in such activity must  
1970 possess a valid and subsisting license issued by the division  
1971 ~~State Fire Marshal~~. All fire extinguishers and preengineered  
1972 systems required by statute or by rule must be serviced by an  
1973 organization or individual licensed under ~~the provisions of~~ this  
1974 chapter. A licensee who receives appropriate training shall not  
1975 be prohibited by a manufacturer from servicing any particular  
1976 brand of fire extinguisher or preengineered system. The licensee  
1977 is legally qualified to act for the business organization in all  
1978 matters connected with its business, and the licensee must  
1979 supervise all activities undertaken by such business  
1980 organization. Each licensee shall maintain a specific business  
1981 location. A further requirement, in the case of multiple  
1982 locations where such servicing or recharging is taking place, is  
1983 that each licensee who maintains more than one place of business  
1984 where actual work is carried on must possess an additional



360216

1985 license, as set forth in this section, for each location, except  
1986 that a licensed individual may not qualify for more than five  
1987 locations. A licensee is limited to a specific type of work  
1988 performed depending upon the class of license held. Licenses ~~and~~  
1989 ~~license fees~~ are required for the following:

1990 (a) Class A: ~~—\$250~~

1991 To service, recharge, repair, install, or inspect all types of  
1992 fire extinguishers and to conduct hydrostatic tests on all types  
1993 of fire extinguishers.

1994 (b) Class B: ~~—\$150~~

1995 To service, recharge, repair, install, or inspect all types of  
1996 fire extinguishers, including recharging carbon dioxide units  
1997 and conducting hydrostatic tests on all types of fire  
1998 extinguishers, except carbon dioxide units.

1999 (c) Class C: ~~—\$150~~

2000 To service, recharge, repair, install, or inspect all types of  
2001 fire extinguishers, except recharging carbon dioxide units, and  
2002 to conduct hydrostatic tests on all types of fire extinguishers,  
2003 except carbon dioxide units.

2004 (d) Class D: ~~—\$200~~

2005 To service, repair, recharge, hydrottest, install, or inspect all  
2006 types of preengineered fire extinguishing systems.

2007 ~~(e) Licenses issued as duplicates or to reflect a change of~~  
2008 ~~address —\$10~~

2009  
2010 Any fire equipment dealer licensed pursuant to this subsection  
2011 who does not want to engage in the business of servicing,  
2012 inspecting, recharging, repairing, hydrottesting, or installing  
2013 halon equipment must file an affidavit on a form provided by the



360216

2014 division so stating. Licenses will be issued by the division to  
2015 show ~~reflect~~ the work authorized thereunder. It is unlawful,  
2016 unlicensed activity for a ~~any~~ person or firm to falsely hold  
2017 himself or herself or a business organization out to perform any  
2018 service, inspection, recharge, repair, hydrotest, or  
2019 installation except as specifically described in the license. A  
2020 fire equipment dealer licensed pursuant to this subsection who  
2021 wishes to withdraw a previously filed halon equipment exemption  
2022 affidavit and engage in the business of servicing, inspecting,  
2023 recharging, repairing, hydrotesting, or installing halon  
2024 equipment must submit a written statement requesting the  
2025 withdrawal to the division. The dealer must also submit to an  
2026 inspection by the State Fire Marshal or her or his designee in  
2027 order to determine that the dealer possesses the equipment  
2028 required to service, inspect, recharge, repair, hydrotest, or  
2029 install halon equipment.

2030 (2) A person who holds a valid fire equipment dealer  
2031 license may maintain such license in an inactive status during  
2032 which time he or she may not engage in any work under the  
2033 definition of the license held. An inactive status license shall  
2034 be void after 4 ~~2~~ years or when ~~at the time~~ that the license is  
2035 renewed, whichever comes first. ~~The biennial renewal fee for an~~  
2036 ~~inactive status license shall be \$75.~~ An inactive status license  
2037 may not be reactivated unless the continuing education  
2038 requirements of this chapter have been fulfilled.

2039 (3) Each individual actually performing the work of  
2040 servicing, recharging, repairing, hydrotesting, installing,  
2041 testing, or inspecting fire extinguishers or preengineered  
2042 systems must possess a valid and subsisting permit issued by the



360216

2043 ~~division State Fire Marshal~~. Permittees are limited as to  
2044 specific type of work performed to allow work no more extensive  
2045 than the class of license held by the licensee under whom the  
2046 permittee is working. Permits will be issued by the division ~~and~~  
2047 ~~the fees required are~~ as follows:

2048 (a) Portable permit: ~~—\$90~~ "Portable permittee" means a  
2049 person who is limited to performing work no more extensive than  
2050 the employing licensee in the servicing, recharging, repairing,  
2051 installing, or inspecting all types of portable fire  
2052 extinguishers.

2053 (b) Preengineered permit: ~~—\$120~~ "Preengineered  
2054 permittee" means a person who is limited to the servicing,  
2055 recharging, repairing, installing, or inspecting of all types of  
2056 preengineered fire extinguishing systems.

2057 ~~(c) Permits issued as duplicates or to reflect a change of~~  
2058 ~~address —\$10~~

2059  
2060 Any fire equipment permittee licensed pursuant to this  
2061 subsection who does not want to engage in servicing, inspecting,  
2062 recharging, repairing, hydrotesting, or installing halon  
2063 equipment must file an affidavit on a form provided by the  
2064 division so stating. Permits will be issued by the division to  
2065 show ~~reflect~~ the work authorized thereunder. It is unlawful,  
2066 unlicensed activity for a ~~any~~ person or firm to falsely hold  
2067 himself or herself out to perform any service, inspection,  
2068 recharge, repair, hydrotest, or installation except as  
2069 specifically described in the permit.

2070 (4) (a) Such licenses and permits shall be issued by the  
2071 division ~~State Fire Marshal~~ for 2 years beginning January 1,





360216

2072 2000, and each 2-year period thereafter and expiring December 31  
2073 of the second year. All licenses or permits issued will expire  
2074 on December 31 of each odd-numbered year. The failure to renew a  
2075 license or permit by December 31 of the second year will cause  
2076 the license or permit to become inoperative. The holder of an  
2077 inoperative license or permit may ~~shall~~ not engage in any  
2078 activities for which a license or permit is required by this  
2079 section. A license or permit which is inoperative because of the  
2080 failure to renew it shall be restored upon payment of the  
2081 applicable fee plus a penalty equal to the applicable fee, if  
2082 the application for renewal is filed no later than the following  
2083 March 31. If the application for restoration is not made before  
2084 the March 31st deadline, the fee for restoration shall be equal  
2085 to the original application fee and the penalty provided for  
2086 herein, and, in addition, the State Fire Marshal shall require  
2087 reexamination of the applicant. The fee for a license or permit  
2088 issued for 1 year or less shall be prorated at 50 percent of the  
2089 applicable fee for a biennial license or permit.

2090 (b) After initial licensure, each licensee or permittee  
2091 must successfully complete a course or courses of continuing  
2092 education for fire equipment technicians of at least 16 hours. A  
2093 license or permit may not be renewed unless the licensee or  
2094 permittee produces documentation of the completion of at least  
2095 16 hours of continuing education for fire equipment technicians  
2096 during the biennial licensure period. A person who is both a  
2097 licensee and a permittee shall be required to complete 16 hours  
2098 of continuing education during each renewal period. Each  
2099 licensee shall ensure that all permittees in his or her  
2100 employment meet their continuing education requirements. The



360216

2101 State Fire Marshal shall adopt rules describing the continuing  
2102 education requirements and shall have the authority upon  
2103 reasonable belief, to audit a fire equipment dealer to determine  
2104 compliance with continuing education requirements.

2105 ~~(c)~~ ~~(b)~~ The forms of such licenses and permits and  
2106 applications therefor shall be prescribed by the State Fire  
2107 Marshal; in addition to such other information and data as that  
2108 officer determines is appropriate and required for such forms,  
2109 there shall be included in such forms the following matters.  
2110 Each such application must ~~shall~~ be in such form as to provide  
2111 that the data and other information set forth therein shall be  
2112 sworn to by the applicant or, if a corporation, by an officer  
2113 thereof. An application for a permit must ~~shall~~ include the name  
2114 of the licensee employing such permittee, and the permit issued  
2115 in pursuance of such application must ~~shall~~ also set forth the  
2116 name of such licensee. A permit is valid solely for use by the  
2117 holder thereof in his or her employment by the licensee named in  
2118 the permit.

2119 ~~(d)~~ ~~(e)~~ A license of any class may ~~shall~~ not be issued or  
2120 renewed by the division ~~State Fire Marshal~~ and a license of any  
2121 class does ~~shall~~ not remain operative unless:

2122 1. The applicant has submitted to the State Fire Marshal  
2123 evidence of registration as a Florida corporation or evidence of  
2124 compliance with s. 865.09.

2125 2. The State Fire Marshal or his or her designee has by  
2126 inspection determined that the applicant possesses the equipment  
2127 required for the class of license sought. The State Fire Marshal  
2128 shall give an applicant a reasonable opportunity to correct any  
2129 deficiencies discovered by inspection. To obtain such



360216

2130 inspection, an applicant with facilities located outside this  
2131 state must:

2132 a. Provide a notarized statement from a professional  
2133 engineer licensed by the applicant's state of domicile  
2134 certifying that the applicant possesses the equipment required  
2135 for the class of license sought and that all such equipment is  
2136 operable; or

2137 b. Allow the State Fire Marshal or her or his designee to  
2138 inspect the facility. All costs associated with the State Fire  
2139 Marshal's inspection shall be paid by the applicant. The State  
2140 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
2141 establish standards for the calculation and establishment of the  
2142 amount of costs associated with any inspection conducted by the  
2143 State Fire Marshal under this section. Such rules shall include  
2144 procedures for invoicing and receiving funds in advance of the  
2145 inspection ~~A fee of \$50, payable to the State Fire Marshal,~~  
2146 ~~shall be required for any subsequent reinspection.~~

2147 3. The applicant has submitted to the State Fire Marshal  
2148 proof of insurance providing coverage for comprehensive general  
2149 liability for bodily injury and property damage, products  
2150 liability, completed operations, and contractual liability. The  
2151 State Fire Marshal shall adopt rules providing for the amounts  
2152 of such coverage, but such amounts shall not be less than  
2153 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
2154 licenses, and \$100,000 for Class C licenses; and the total  
2155 coverage for any class of license held in conjunction with a  
2156 Class D license may ~~shall~~ not be less than \$300,000. The State  
2157 Fire Marshal may, at any time after the issuance of a license or  
2158 its renewal, require upon demand, and in no event more than 30



360216

2159 days after notice of such demand, the licensee to provide proof  
2160 of insurance, on a form provided by the State Fire Marshal,  
2161 containing confirmation of insurance coverage as required by  
2162 this chapter. Failure, for any length of time, to provide proof  
2163 of insurance coverage as required shall result in the immediate  
2164 suspension of the license until proof of proper insurance is  
2165 provided to the State Fire Marshal. An insurer which provides  
2166 such coverage shall notify the State Fire Marshal of any change  
2167 in coverage or of any termination, cancellation, or nonrenewal  
2168 of any coverage.

2169 4. The applicant applies to the State Fire Marshal,  
2170 provides proof of experience, and successfully completes a  
2171 prescribed training course offered by the State Fire College or  
2172 an equivalent course approved by the State Fire Marshal. This  
2173 subparagraph does not apply to any holder of or applicant for a  
2174 permit under paragraph (g) ~~(f)~~ or to a business organization or  
2175 a governmental entity seeking initial licensure or renewal of an  
2176 existing license solely for the purpose of inspecting,  
2177 servicing, repairing, marking, recharging, and maintaining fire  
2178 extinguishers used and located on the premises of and owned by  
2179 such organization or entity.

2180 5. The applicant has a current retestor identification  
2181 number that is appropriate for the license for which the  
2182 applicant is applying and that is listed with the United States  
2183 Department of Transportation.

2184 6. The applicant has passed, with a grade of at least 70  
2185 percent, a written examination testing his or her knowledge of  
2186 the rules and statutes governing ~~regulating~~ the activities  
2187 authorized by the license and demonstrating his or her knowledge



360216

2188 and ability to perform those tasks in a competent, lawful, and  
2189 safe manner. Such examination shall be developed and  
2190 administered by the State Fire Marshal, or his or her designee  
2191 in accordance with policies and procedures of the State Fire  
2192 Marshal. An applicant shall pay a nonrefundable examination fee  
2193 of \$50 for each examination or reexamination scheduled. A ~~Ne~~  
2194 reexamination may not shall be scheduled sooner than 30 days  
2195 after any administration of an examination to an applicant. An  
2196 ~~Ne~~ applicant may not shall be permitted to take an examination  
2197 for any level of license more than a total of four times during  
2198 1 year, regardless of the number of applications submitted. As a  
2199 prerequisite to licensure of the applicant, he or she:

2200 a. Must be at least 18 years of age.

2201 b. Must have 4 years of proven experience as a fire  
2202 equipment permittee at a level equal to or greater than the  
2203 level of license applied for or have a combination of education  
2204 and experience determined to be equivalent thereto by the State  
2205 Fire Marshal. Having held a permit at the appropriate level for  
2206 the required period constitutes the required experience.

2207 c. Must not have been convicted of a felony or a crime  
2208 punishable by imprisonment of 1 year or more under the law of  
2209 the United States or of any state thereof or under the law of  
2210 any other country, or pled nolo contendere to, any felony.

2211 "Convicted" means a finding of guilt or the acceptance of a plea  
2212 of guilty or nolo contendere in any federal or state court or a  
2213 court in any other country, without regard to whether a judgment  
2214 of conviction has been entered by the court having jurisdiction  
2215 of the case. If an applicant has been convicted of any such  
2216 felony, the applicant shall be excluded from licensure for a



360216

2217 period of 4 years after expiration of sentence or final release  
2218 by the Parole Commission unless the applicant, before the  
2219 expiration of the 4-year period, has received a full pardon or  
2220 has had her or his civil rights restored ~~must comply with s.~~  
2221 ~~112.011(1) (b).~~

2222  
2223 This subparagraph does not apply to any holder of or applicant  
2224 for a permit under paragraph (g) ~~(f)~~ or to a business  
2225 organization or a governmental entity seeking initial licensure  
2226 or renewal of an existing license solely for the purpose of  
2227 inspecting, servicing, repairing, marking, recharging,  
2228 hydrotesting, and maintaining fire extinguishers used and  
2229 located on the premises of and owned by such organization or  
2230 entity.

2231 ~~(d) An applicant who fails the examination may take it~~  
2232 ~~three more times during the 1-year period after he or she~~  
2233 ~~originally filed an application for the examination. If the~~  
2234 ~~applicant fails the examination within 1 year after the~~  
2235 ~~application date and seeks to retake the examination, he or she~~  
2236 ~~must file a new application, pay the application and examination~~  
2237 ~~fees, and successfully complete a prescribed training course~~  
2238 ~~approved by the State Fire College or an equivalent course~~  
2239 ~~approved by the State Fire Marshal. An applicant may not submit~~  
2240 ~~a new application within 6 months after the date of his or her~~  
2241 ~~last reexamination.~~

2242 (e) A fire equipment dealer licensed under this section may  
2243 apply to convert ~~upgrade~~ the license currently held to a higher  
2244 licensing category, if the licensed dealer:

2245 1. Submits an application for the license on a form in



360216

2246 conformance with paragraph (c) ~~(b)~~. The application must be  
2247 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~  
2248 for the type of license requested.

2249 2. Provides evidence of 2 years' experience as a licensed  
2250 dealer and meets such relevant educational requirements as are  
2251 established by rule by the State Fire Marshal for purposes of  
2252 upgrading a license.

2253 3. Meets the requirements of paragraph (d) ~~(e)~~.

2254 (f) A fire equipment dealer licensed under this section may  
2255 apply to convert the license currently held to a lower licensing  
2256 category, if the licensed dealer:

2257 1. Submits an application for the license on a form in  
2258 conformance with paragraph (c). The application must be  
2259 accompanied by a fee as prescribed in s. 633.132 for the type of  
2260 license requested.

2261 2. Submits proof of insurance providing coverage meeting  
2262 the requirements prescribed in subparagraph (d)3.

2263 3. Submits to an inspection of the facility to ensure all  
2264 equipment associated with the higher class of license has been  
2265 removed and submits the required reinspection fee.

2266 (g) A ~~no~~ permit of any class may not ~~shall~~ be issued or  
2267 renewed to a person by the division ~~State Fire Marshal~~, and a ~~no~~  
2268 permit of any class does not ~~shall~~ remain operative, unless the  
2269 person has:

2270 1. Submitted a nonrefundable examination fee in the amount  
2271 of \$50.~~7~~

2272 2. Successfully completed a training course offered by the  
2273 State Fire College or an equivalent course approved by the State  
2274 Fire Marshal.~~7~~ and



360216

2275           3. Passed, with a grade of at least 70 percent, a written  
2276 examination testing his or her knowledge of the rules and  
2277 statutes governing ~~regulating~~ the activities authorized by the  
2278 permit and demonstrating his or her knowledge and ability to  
2279 perform those tasks in a competent, lawful, and safe manner.  
2280 Such examination must ~~shall~~ be developed and administered by the  
2281 State Fire Marshal in accordance with the policies and  
2282 procedures of the State Fire Marshal. An examination fee must  
2283 ~~shall~~ be paid for each examination scheduled. A ~~No~~ reexamination  
2284 may not ~~shall~~ be scheduled sooner than 30 days after any  
2285 administration of an examination to an applicant. An ~~No~~  
2286 applicant may not ~~shall~~ be permitted to take an examination for  
2287 any level of permit more than four times during 1 year,  
2288 regardless of the number of applications submitted. As a  
2289 prerequisite to taking the permit examination, the applicant  
2290 must be at least 16 years of age.

2291           (h) (g) An applicant for a license or permit under this  
2292 section who fails the examination may take it three more times  
2293 during the 1-year period after he or she originally filed an  
2294 application for the examination. If the applicant fails the  
2295 examination within 1 year after the application date and he or  
2296 she seeks to retake the examination, he or she must file a new  
2297 application, pay the application and examination fees, and  
2298 successfully complete a prescribed training course offered by  
2299 the State Fire College or an equivalent course approved by the  
2300 State Fire Marshal. The applicant may not submit a new  
2301 application within 6 months after the date of his or her fourth  
2302 ~~last~~ reexamination. An applicant who passes the examination but  
2303 does not meet the remaining qualifications prescribed by law and





360216

2304 rule within 1 year after the application date must file a new  
2305 application, pay the application and examination fee,  
2306 successfully complete a prescribed training course approved by  
2307 the State Fire College or an equivalent course approved by the  
2308 State Fire Marshal, and pass the written examination.

2309 (9) ~~The provisions of This section does chapter de~~ not  
2310 apply to inspections by fire chiefs, fire inspectors, fire  
2311 marshals, or insurance company inspectors.

2312 Section 36. Section 633.065, Florida Statutes, is  
2313 transferred and renumbered as section 633.306, Florida Statutes,  
2314 and paragraph (a) of subsection (1) of that section is amended,  
2315 to read:

2316 633.306 ~~633.065~~ Requirements for installation, inspection,  
2317 and maintenance of fire suppression equipment.-

2318 (1) The requirements for installation of fire extinguishers  
2319 and preengineered systems are as follows:

2320 (a) Fire equipment dealers shall be licensed under s.  
2321 633.304 ~~633.061~~.

2322 Section 37. Section 633.071, Florida Statutes, is  
2323 transferred and renumbered as section 633.308, Florida Statutes,  
2324 and subsection (2) of that section is amended, to read:

2325 633.308 ~~633.071~~ Standard service tag required on all fire  
2326 extinguishers and preengineered systems; serial number required  
2327 on all portable fire extinguishers; standard inspection tags  
2328 required on all fire protection systems.-

2329 (2) All portable fire extinguishers required by statute or  
2330 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,  
2331 or approved by Factory Mutual Laboratories, Inc., or listed by a  
2332 nationally recognized testing laboratory in accordance with



360216

2333 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and  
2334 carry an Underwriters Laboratories, Inc., or manufacturer's  
2335 serial number. These listings, approvals, and serial numbers may  
2336 be stamped on the manufacturer's identification and instructions  
2337 plate or on a separate Underwriters Laboratories, Inc., or  
2338 Factory Mutual Laboratories, Inc., plate soldered or attached to  
2339 the extinguisher shell in some permanent manner.

2340 Section 38. Section 633.082, Florida Statutes, is  
2341 transferred and renumbered as section 633.312, Florida Statutes,  
2342 and subsections (2) and (3) of that section are amended, to  
2343 read:

2344 633.312 ~~633.082~~ Inspection of fire control systems, fire  
2345 hydrants, and fire protection systems.—

2346 (2) Fire hydrants and fire protection systems installed in  
2347 public and private properties, except one-family or two-family  
2348 dwellings, shall be inspected following procedures established  
2349 in the nationally recognized inspection, testing, and  
2350 maintenance standards publications NFPA-24 and NFPA-25 as set  
2351 forth in the edition adopted by the State Fire Marshal.  
2352 Quarterly, annual, 3-year, and 5-year inspections consistent  
2353 with the contractual provisions with the owner shall be  
2354 conducted by the certificateholder or permittees employed by the  
2355 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

2356 (a) Public fire hydrants owned by a governmental entity  
2357 shall be inspected following procedures established in the  
2358 inspection, testing, and maintenance standards adopted by the  
2359 State Fire Marshal or equivalent standards such as those  
2360 contained in the latest edition of the American Water Works  
2361 Association's Manual M17, "Installation, Field Testing, and



360216

2362 Maintenance of Fire Hydrants.”

2363 (b) County, municipal, and special district utilities may  
2364 perform fire hydrant inspections required by this section using  
2365 designated employees. Such designated employees need not be  
2366 certified under this chapter. However, counties, municipalities,  
2367 or special districts that use designated employees are  
2368 responsible for ensuring that the designated employees are  
2369 qualified to perform such inspections.

2370 (3) The inspecting contractor shall provide to the building  
2371 owner or hydrant owner and the local authority having  
2372 jurisdiction a copy of the applicable inspection report  
2373 established under this chapter. The maintenance of fire hydrant  
2374 and fire protection systems as well as corrective actions on  
2375 deficient systems is the responsibility of the owner of the  
2376 system or hydrant. Equipment requiring periodic testing or  
2377 operation to ensure its maintenance shall be tested or operated  
2378 as specified in the Fire Prevention Code, Life Safety Code,  
2379 National Fire Protection Association standards, or as directed  
2380 by the appropriate authority ~~agency having jurisdiction~~,  
2381 provided that such appropriate authority ~~may~~ ~~agency shall~~ not  
2382 require a sprinkler system not required by the Fire Prevention  
2383 Code, Life Safety Code, or National Fire Protection Association  
2384 standards to be removed regardless of its condition. This  
2385 section does not prohibit governmental entities from inspecting  
2386 and enforcing firesafety codes.

2387 Section 39. Section 633.083, Florida Statutes, is  
2388 transferred and renumbered as section 633.314, Florida Statutes,  
2389 and subsection (3) of that section is amended, to read:

2390 633.314 ~~633.083~~ Sale or use of certain types of fire



360216

2391 extinguishers prohibited; penalty.-

2392 (3) A person who violates ~~any of the provisions of this~~  
2393 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
2394 punishable as provided in s. 775.082 or s. 775.083.

2395 Section 40. Section 633.162, Florida Statutes, is  
2396 transferred and renumbered as section 633.316, Florida Statutes,  
2397 and subsection (1) and paragraph (e) of subsection (4) of that  
2398 section are amended, to read:

2399 633.316 ~~633.162~~ Fire suppression system contractors;  
2400 disciplinary action.-

2401 (1) The violation of any provision of this chapter or any  
2402 rule adopted and adopted ~~promulgated~~ pursuant hereto or the  
2403 failure or refusal to comply with any notice or order to correct  
2404 a violation or any cease and desist order by a ~~any~~ person who  
2405 possesses a license or permit issued pursuant to s. 633.304  
2406 ~~633.061~~ is cause for denial, nonrenewal, revocation, or  
2407 suspension of such license or permit by the State Fire Marshal  
2408 after such officer has determined that the person committed ~~is~~  
2409 ~~guilty of~~ such violation. An order of suspension must ~~shall~~  
2410 state the period ~~of time~~ of such suspension, which period may  
2411 not be in excess of 2 years from the date of such order. An  
2412 order of revocation may be entered for a period not exceeding 5  
2413 years. Such orders shall effect suspension or revocation of all  
2414 licenses or permits issued by the division to ~~then held by the~~  
2415 person, and during such period a ~~of time no~~ license or permit  
2416 may not ~~shall~~ be issued by the division to such person. During  
2417 the suspension or revocation of any license or permit, the  
2418 former licensee or permittee may ~~shall~~ not engage in or attempt  
2419 or profess to engage in any transaction or business for which a



360216

2420 license or permit is required under this chapter or directly or  
2421 indirectly own, control, or be employed in any manner by any  
2422 firm, business, or corporation for which a license or permit  
2423 under this chapter is required. If, during the period between  
2424 the beginning of proceedings and the entry of an order of  
2425 suspension or revocation by the State Fire Marshal, a new  
2426 license or permit has been issued by the division to the person  
2427 so charged, the order of suspension or revocation shall operate  
2428 to suspend or revoke such new license or permit held by such  
2429 person.

2430 (4) In addition to the grounds set forth in subsection (1),  
2431 it is cause for denial, nonrenewal, revocation, or suspension of  
2432 a license or permit by the State Fire Marshal if she or he  
2433 determines that the licensee or permittee has:

2434 (e) Failed to provide proof of insurance to the State Fire  
2435 Marshal or failed to maintain in force the insurance coverage  
2436 required by s. 633.304 ~~633.061~~.

2437 Section 41. Section 633.521, Florida Statutes, is  
2438 transferred and renumbered as section 633.318, Florida Statutes,  
2439 and subsection (1), paragraph (a) of subsection (2), paragraphs  
2440 (c) and (g) of subsection (3), and subsections (4), (8), and  
2441 (11) of that section are amended, to read:

2442 633.318 ~~633.521~~ Certificate application and issuance;  
2443 permit issuance; examination and investigation of applicant.—

2444 (1) To obtain a fire protection system contractor's  
2445 certificate, an applicant shall submit to the division ~~State~~  
2446 ~~Fire Marshal~~ an application in writing, on a form provided by  
2447 the division ~~State Fire Marshal~~ containing the information  
2448 prescribed, which shall be accompanied by the fee fixed herein,



360216

2449 containing a statement that the applicant desires the issuance  
2450 of a certificate and stating the class of certificate requested.

2451 (2) (a) Examinations shall be administered by the division  
2452 ~~State Fire Marshal~~ and held at times and places within the state  
2453 as the division ~~State Fire Marshal~~ determines, but there shall  
2454 be at least two examinations a year. Each applicant shall take  
2455 and pass an objective, written examination of her or his fitness  
2456 for a certificate in the class for which the application is  
2457 requested. There shall be a type of examination for each class  
2458 of certificate for contractors as of the classes of certificates  
2459 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~  
2460 test the applicant's ability to lay out, fabricate, install,  
2461 alter, repair, and inspect fire protection systems and their  
2462 appurtenances and must ~~shall~~ test the applicant's fitness in  
2463 business and financial management. The test must ~~shall~~ be based  
2464 on applicable standards of the National Fire Protection  
2465 Association and on relevant Florida and federal laws pertaining  
2466 to the construction industry, safety standards, administrative  
2467 procedures, and pertinent technical data.

2468 (3)

2469 (c) Required education and experience for certification as  
2470 a Contractor I, Contractor II, Contractor III, or Contractor IV  
2471 includes training and experience in both installation and system  
2472 layout as defined in s. 633.102 ~~633.021~~.

2473 (g) Within 30 days after the date of the examination, the  
2474 division ~~State Fire Marshal~~ shall inform the applicant in  
2475 writing whether she or he has qualified or not and, if the  
2476 applicant has qualified, that she or he is eligible ~~ready~~ to be  
2477 issued ~~issue~~ a certificate of competency, subject to compliance



360216

2478 with the requirements of subsection (4).

2479 (4) As a prerequisite to issuance of a certificate, the  
2480 division must ~~State Fire Marshal shall~~ require the applicant to  
2481 submit satisfactory evidence that she or he has obtained  
2482 insurance providing coverage for comprehensive general liability  
2483 for bodily injury and property damages, products liability,  
2484 completed operations, and contractual liability. The division  
2485 ~~State Fire Marshal~~ may adopt rules providing for the amount of  
2486 insurance, but such amount shall not be less than \$500,000 for a  
2487 Contractor I, Contractor II, Contractor III, or Contractor V and  
2488 shall not be less than \$250,000 for a Contractor IV. An insurer  
2489 which provides such coverage shall notify ~~within 30 days~~ the  
2490 division within 30 days ~~State Fire Marshal~~ of any material  
2491 change in coverage or any termination, cancellation, or  
2492 nonrenewal of such coverage. An insurer which fails to so notify  
2493 the division ~~State Fire Marshal's office~~ shall be subject to the  
2494 penalties provided under s. 624.4211.

2495 (8) An individual employed by a Contractor I or Contractor  
2496 II certificateholder, as established in this section, who will  
2497 be inspecting water-based fire protection systems as required  
2498 under s. 633.312 ~~633.082~~, must be issued a permit by the  
2499 division ~~State Fire Marshal~~ to conduct such work. The permit is  
2500 valid solely for use by the holder thereof in his or her  
2501 employment by the certificateholder named in the permit. A  
2502 permittee must have a valid and subsisting permit upon his or  
2503 her person at all times while engaging in inspecting fire  
2504 protection systems, and a permitholder must be able to produce  
2505 such a permit upon demand. In addition, a permittee shall, at  
2506 all times while performing inspections, carry an identification



360216

2507 card containing his or her photograph and other identifying  
2508 information as prescribed by the State Fire Marshal, and the  
2509 permittee must produce the identification card and information  
2510 upon demand. The permit and the identification may be one and  
2511 the same. A permittee is limited as to the specific type of work  
2512 performed, depending upon the class of certificate held by the  
2513 certificateholder under whom the permittee is working. The  
2514 permit class shall be known as a Water-Based Fire Protection  
2515 Inspector whose permit allows the holder to inspect water  
2516 sprinkler systems, water spray systems, foam-water sprinkler  
2517 systems, foam-water spray systems, standpipes, combination  
2518 standpipes and sprinkler systems, all piping that is an integral  
2519 part of the system beginning at the point where the piping is  
2520 used exclusively for fire protection, sprinkler tank heaters,  
2521 air lines, thermal systems used in connection with sprinklers,  
2522 and tanks and pumps connected thereto, excluding preengineered  
2523 systems.

2524 (11) It is intended that a certificateholder, or a  
2525 permitholder who is employed by a certificateholder, conduct  
2526 inspections required by this chapter. It is understood that  
2527 after July 1, 2008, employee turnover may result in a depletion  
2528 of personnel who are certified under the NICET Sub-field of  
2529 Inspection and Testing of Fire Protection Systems Level II or  
2530 equivalent training and education as required by the division ~~of~~  
2531 ~~State Fire Marshal~~. A certificateholder may obtain a provisional  
2532 permit with an endorsement for inspection, testing, and  
2533 maintenance of water-based fire extinguishing systems for an  
2534 employee if the employee has initiated procedures for obtaining  
2535 Level II certification from the National Institute for





360216

2536 Certification in Engineering Technologies Sub-field of  
2537 Inspection and Testing of Fire Protection Systems and achieved  
2538 Level I certification or an equivalent level as determined by  
2539 the State Fire Marshal through verification of experience,  
2540 training, and examination. The division ~~State Fire Marshal~~ may  
2541 establish rules to administer this subsection. After 2 years of  
2542 provisional certification, the employee must have achieved NICET  
2543 Level II certification or obtain equivalent training and  
2544 education as determined by the division, or cease performing  
2545 inspections requiring Level II certification. The provisional  
2546 permit is valid only for the 2 calendar years after the date of  
2547 issuance, may not be extended, and is not renewable. After the  
2548 initial 2-year provisional permit expires, the certificateholder  
2549 must wait 2 additional years before a new provisional permit may  
2550 be issued. The intent is to prohibit the certificateholder from  
2551 using employees who never reach NICET Level II status, or  
2552 equivalent training and education as determined by the division,  
2553 by continuously obtaining provisional permits.

2554 Section 42. Section 633.551, Florida Statutes, is  
2555 transferred and renumbered as section 633.322, Florida Statutes,  
2556 and subsections (1) through (3) of that section are amended, to  
2557 read:

2558 633.322 ~~633.551~~ County, ~~and~~ municipal, and special district  
2559 powers; effect of ch. 75-240.—

2560 (1) ~~Nothing in This chapter does not limit act limits~~ the  
2561 power of a municipality, ~~or~~ county, or special district to  
2562 regulate the quality and character of work performed by  
2563 contractors through a system of permits, fees, and inspections  
2564 which are designed to secure compliance with, and aid in the



360216

2565 implementation of, state and local building laws or to enforce  
2566 other local laws for the protection of the public health and  
2567 safety.

2568 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the  
2569 power of a municipality, ~~or~~ county, or special district to adopt  
2570 any system of permits requiring submission to and approval by  
2571 the municipality, ~~or~~ county, or special district of plans and  
2572 specifications for work to be performed by contractors before  
2573 commencement of the work, except that a ~~no~~ municipality, ~~or~~  
2574 county, or special district may not ~~shall~~ require a fire  
2575 protection system contractor's shop drawings to be sealed by a  
2576 professional engineer.

2577 (3) An ~~Any~~ official authorized to issue building or other  
2578 related permits shall ascertain that the applicant contractor is  
2579 duly certified before issuing the permit. The evidence shall  
2580 consist only of the exhibition to him or her of ~~current~~ evidence  
2581 of current certification.

2582 Section 43. Section 633.527, Florida Statutes, is  
2583 transferred and renumbered as section 633.324, Florida Statutes.

2584 Section 44. Section 633.531, Florida Statutes, is  
2585 transferred and renumbered as section 633.326, Florida Statutes.

2586 Section 45. Section 633.534, Florida Statutes, is  
2587 transferred and renumbered as section 633.328, Florida Statutes,  
2588 and subsection (4) of that section is amended, to read:

2589 633.328 ~~633.534~~ Issuance of certificate to individuals and  
2590 business organizations.—

2591 (4) If ~~When~~ the certified business organization makes  
2592 application for an occupational license in any municipality or  
2593 county of this state, the application must ~~shall~~ be made with



360216

2594 the tax collector in the name of the business organization, and  
2595 the license, when issued, shall be issued to the business  
2596 organization upon payment of the appropriate licensing fee and  
2597 exhibition to the tax collector of a valid certificate issued by  
2598 the division ~~State Fire Marshal~~.

2599 Section 46. Section 633.537, Florida Statutes, is  
2600 transferred and renumbered as section 633.332, Florida Statutes,  
2601 and subsections (1) and (2) and paragraph (a) of subsection (3)  
2602 of that section are amended, to read:

2603 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive  
2604 certificate; continuing education.-

2605 (1) Certificates shall expire every 2 years at midnight on  
2606 June 30. ~~Effective with the June 30, 1998, renewal,~~ All  
2607 certificates must be renewed every 2 years. The failure to renew  
2608 a certificate before ~~during~~ June 30, shall cause the certificate  
2609 to become inoperative, and it is unlawful thereafter for a ~~any~~  
2610 person to engage, offer to engage, or hold herself or himself  
2611 out as engaging in contracting under the certificate unless the  
2612 certificate is restored or reissued. A certificate which is  
2613 inoperative because of failure to renew shall be restored on  
2614 payment of the proper renewal fee if the application for  
2615 restoration is made within 90 days after June 30. If the  
2616 application for restoration is not made within the 90-day  
2617 period, the fee for restoration must ~~shall~~ be equal to the  
2618 original application fee, and, in addition, the State Fire  
2619 Marshal must ~~shall~~ require examination or reexamination of the  
2620 applicant.

2621 (2) A person who holds a valid certificate may maintain  
2622 such certificate in an inactive status during which time she or



360216

2623 he may not engage in contracting. An inactive status certificate  
2624 shall be void after a 2-year period. ~~The biennial renewal fee~~  
2625 ~~for an inactive status certificate shall be \$75.~~ An inactive  
2626 status certificate may be reactivated upon application to the  
2627 State Fire Marshal and payment of the initial application fee.

2628 (3) (a) A certificate for the Contractor I, II, and III  
2629 classifications as defined in this chapter may ~~shall~~ not be  
2630 renewed unless the certificateholder produces documentation of  
2631 at least 32 contact hours of continuing education in the fire  
2632 protection discipline during the biennial licensure period.  
2633 Holders of Contractor IV certificates are required to obtain 14  
2634 contact hours of continuing education encompassing the  
2635 appropriate National Fire Protection Association fire sprinkler  
2636 documents before ~~prior to~~ renewal. Holders of Contractor V  
2637 certificates are required to obtain 14 contact hours of  
2638 continuing education before ~~prior to~~ renewal, at least 1 hour of  
2639 which is in the fire protection discipline. Any continuing  
2640 education hours approved pursuant to chapter 489 by the  
2641 Construction Industry Licensing Board for underground utility  
2642 and excavation contractors shall be considered as also approved  
2643 to comply with Contractor V continuing education requirements. A  
2644 Contractor V certificateholder shall provide to the State Fire  
2645 Marshal evidence of approval of such coursework by the  
2646 Construction Industry Licensing Board.

2647 Section 47. Section 633.539, Florida Statutes, is  
2648 transferred and renumbered as section 633.334, Florida Statutes,  
2649 and paragraph (a) of subsection (1) and subsections (2) and (4)  
2650 of that section are amended, to read:

2651 633.334 ~~633.539~~ Requirements for installation, inspection,



360216

2652 and maintenance of fire protection systems.-

2653 (1) The requirements for installation of fire protection  
2654 systems are as follows:

2655 (a) Contractors of fire protection systems shall be  
2656 certified under s. 633.318 ~~633.521~~.

2657 (2) Equipment shall be inspected, serviced, and maintained  
2658 in accordance with the manufacturer's maintenance procedures and  
2659 with applicable National Fire Protection Association standards.  
2660 The inspection of fire protection systems shall be conducted by  
2661 a certificateholder or holder of a permit issued by the division  
2662 ~~State Fire Marshal~~. The permit holder may perform inspections on  
2663 fire protection systems only while employed by the  
2664 certificateholder. This section does not prohibit the authority  
2665 having jurisdiction or insurance company representatives from  
2666 reviewing the system in accordance with acceptable oversight  
2667 standards.

2668 (4) The Contractor V may install the cross-connection  
2669 backflow prevention device as defined in this chapter on new  
2670 installations following the engineer of record's direction on  
2671 the type and size of the device. The retrofitting of a backflow  
2672 device on an existing fire protection system will cause a  
2673 reduction in available water pressure and probable system  
2674 malfunction. The development of aboveground fire protection  
2675 system hydraulic calculations is a task of the Contractor I and  
2676 II, as defined in this chapter. Accordingly, a Contractor V is  
2677 expressly prohibited from retrofitting cross-connection backflow  
2678 prevention devices on an existing fire protection system, and  
2679 only a Contractor I or Contractor II who is tasked to  
2680 recalculate the system and take corrective actions to ensure



360216

2681 that the system will function with the available water supply  
2682 may retroactively install these backflow devices on existing  
2683 fire protection systems.

2684 Section 48. Section 633.541, Florida Statutes, is  
2685 transferred and renumbered as section 633.336, Florida Statutes,  
2686 and subsections (1), (3), and (4) of that section are amended,  
2687 to read:

2688 633.336 ~~633.541~~ Contracting without certificate prohibited;  
2689 violations; penalty.—

2690 (1) It is unlawful for any organization or individual to  
2691 engage in the business of layout, fabrication, installation,  
2692 inspection, alteration, repair, or service of a fire protection  
2693 system, other than a preengineered system, act in the capacity  
2694 of a fire protection contractor, or advertise itself as being a  
2695 fire protection contractor without having been duly certified  
2696 and holding a valid and existing certificate, except as  
2697 hereinafter provided. The holder of a certificate used to  
2698 qualify an organization must be a full-time employee of the  
2699 qualified organization or business. A certificateholder who is  
2700 employed by more than one fire protection contractor during the  
2701 same ~~period of~~ time is deemed not to be a full-time employee of  
2702 either contractor. The State Fire Marshal shall revoke, for a  
2703 period ~~of time~~ determined by the State Fire Marshal, the  
2704 certificate of a certificateholder who allows the use of the  
2705 certificate to qualify a company of which the certificateholder  
2706 is not a full-time employee. A contractor who maintains more  
2707 than one place of business must employ a certificateholder at  
2708 each location. ~~Nothing in~~ This subsection does not prohibit  
2709 ~~prohibits~~ an employee acting on behalf of governmental entities



360216

2710 from inspecting and enforcing firesafety codes, provided such  
2711 employee is certified under s. 633.216 ~~633.081~~.

2712 (3) ~~A~~ Any person who violates any provision of this act or  
2713 commits any of the acts constituting cause for disciplinary  
2714 action as herein set forth commits ~~is guilty of~~ a misdemeanor of  
2715 the second degree, punishable as provided in s. 775.082 or s.  
2716 775.083.

2717 (4) In addition to the penalties provided in subsection  
2718 (3), a fire protection contractor certified under this chapter  
2719 who violates any provision of this section or who commits any  
2720 act constituting cause for disciplinary action is subject to  
2721 suspension or revocation of the certificate and administrative  
2722 fines pursuant to s. 633.338 ~~633.547~~.

2723 Section 49. Section 633.547, Florida Statutes, is  
2724 transferred and renumbered as section 633.338, Florida Statutes,  
2725 and paragraphs (d) and (h) of subsection (2) and subsection (3)  
2726 of that section are amended, to read:

2727 633.338 ~~633.547~~ Disciplinary action; fire protection system  
2728 contractors; grounds for denial, nonrenewal, suspension, or  
2729 revocation of certificate or permit.—

2730 (2) The following acts constitute cause for disciplinary  
2731 action:

2732 (d) Disciplinary action by any municipality, ~~or~~ county, or  
2733 special district, which action shall be reviewed by the State  
2734 Fire Marshal before taking any disciplinary action.

2735 (h) Failing to provide proof of insurance to the State Fire  
2736 Marshal or failing to maintain in force the insurance coverage  
2737 required by s. 633.318 ~~633.521~~.

2738 (3) The State Fire Marshal ~~is authorized to take the~~



360216

2739 ~~following disciplinary action:~~

2740 ~~(a) She or he may suspend the contractor's certificate~~  
2741 ~~certificateholder for a period of up to not to exceed 2 years.~~  
2742 ~~During that period, the contractor must cease all operations as~~  
2743 ~~a contractor, but the State Fire Marshal may authorize the~~  
2744 ~~certificateholder from all operations as a contractor during the~~  
2745 ~~period fixed by the State Fire Marshal, but she or he may permit~~  
2746 ~~the certificateholder to complete any contracts then incomplete.~~

2747 ~~(b) She or he may revoke a certificate for a period not to~~  
2748 ~~exceed 5 years.~~

2749 Section 50. Section 633.549, Florida Statutes, is  
2750 transferred, renumbered as section 633.342, Florida Statutes,  
2751 and amended to read:

2752 633.342 ~~633.549~~ Violations subject to injunction.—A Any  
2753 person who operates as a contractor without a current  
2754 certificate or who violates any part of this chapter or any  
2755 rule, decision, order, direction, demand, or requirement of the  
2756 State Fire Marshal in relation thereto, or any part or provision  
2757 thereof, may be enjoined by the courts of the state from any  
2758 such violation or such unauthorized or unlawful contracting at  
2759 the request ~~instance~~ of the State Fire Marshal, the board, or  
2760 any resident ~~citizen~~ or taxpayer of the state.

2761 Section 51. Section 633.554, Florida Statutes, is  
2762 transferred and renumbered as section 633.344, Florida Statutes.

2763 Section 52. Section 633.70, Florida Statutes, is  
2764 transferred and renumbered as section 633.346, Florida Statutes,  
2765 and subsection (1) of that section is amended, to read:

2766 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over  
2767 alarm system contractors and certified unlimited electrical





360216

2768 contractors.-

2769 (1) ~~If~~ ~~When~~ the State Fire Marshal, in the course of its  
2770 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that  
2771 an alarm system contractor or a certified unlimited electrical  
2772 contractor working with an alarm system has violated any  
2773 provision of this chapter or the rules of the State Fire  
2774 Marshal, the State Fire Marshal shall have jurisdiction,  
2775 notwithstanding any other provision of this chapter, to order  
2776 corrective action by the alarm system contractor or the  
2777 certified unlimited electrical contractor to bring the alarm  
2778 system into compliance with applicable standards set forth in  
2779 this chapter and the rules of the State Fire Marshal.

2780 Section 53. Section 633.701, Florida Statutes, is  
2781 transferred and renumbered as section 633.348, Florida Statutes.

2782 Section 54. Section 633.702, Florida Statutes, is  
2783 transferred and renumbered as section 633.3482, Florida  
2784 Statutes, and subsection (2) and paragraph (c) of subsection (3)  
2785 of that section are amended, to read:

2786 633.3482 ~~633.702~~ Prohibited acts regarding alarm system  
2787 contractors or certified unlimited electrical contractors;  
2788 penalties.-

2789 (2) ~~A~~ ~~Any~~ person who violates this section commits ~~is~~  
2790 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
2791 provided in s. 775.082 or s. 775.083.

2792 (3) It is a misdemeanor of the first degree, punishable as  
2793 provided in s. 775.082 or s. 775.083, for any fire alarm system  
2794 contractor or certified unlimited electrical contractor to  
2795 intentionally or willfully:

2796 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with



360216

2797 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~  
2798 uncertified person with intent to evade ~~the provisions of~~ this  
2799 act. When a licensee allows his or her license to be used by one  
2800 or more companies without having any active participation in the  
2801 operation or management of the said companies, such act  
2802 constitutes prima facie evidence of any intent to evade ~~the~~  
2803 ~~provisions of~~ this chapter act.

2804 Section 55. The Division of Law Revision and Information is  
2805 directed to create part IV of chapter 633, Florida Statutes,  
2806 consisting of sections 633.402, 633.404, 633.406, 633.408,  
2807 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,  
2808 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,  
2809 and 633.446, Florida Statutes, to be entitled "Fire Standards  
2810 and Training."

2811 Section 56. Section 633.31, Florida Statutes, is  
2812 transferred and renumbered as section 633.402, Florida Statutes,  
2813 subsection (1) of that section is amended, and new subsections  
2814 (5) through (9) are added to that section, to read:

2815 633.402 ~~633.31~~ Firefighters Employment, Standards, and  
2816 Training Council; organization; meetings; quorum; compensation;  
2817 seal; special powers; firefighter training.-

2818 (1) There is created within the department a Firefighters  
2819 Employment, Standards, and Training Council of 14 ~~13~~ members.

2820 (a) The members shall be appointed as follows:

2821 1. Two ~~members~~ shall be fire chiefs appointed by the  
2822 Florida Fire Chiefs Association.

2823 2. Two ~~members~~ shall be firefighters, who are not officers,  
2824 appointed by the Florida Professional Firefighters Association.

2825 3. Two ~~members~~ shall be firefighter officers, who are not



360216

2826 fire chiefs, appointed by the State Fire Marshal.~~7~~

2827 4. One individual member appointed by the Florida League of  
2828 Cities.~~7~~

2829 5. One individual member appointed by the Florida  
2830 Association of Counties.~~7~~

2831 6. One individual member appointed by the Florida  
2832 Association of Special Districts.~~7~~

2833 7. One individual member appointed by the Florida Fire  
2834 Marshals' and Inspectors' ~~Marshal's~~ Association.~~7~~ and

2835 8. One employee of the Florida Forest Service of the  
2836 Department of Agriculture and Consumer Services appointed by the  
2837 director of the Florida Forest Service.

2838 9. One individual member appointed by the State Fire  
2839 Marshal.~~7~~ and

2840 10. One member shall be a director or instructor of a  
2841 state-certified firefighting training facility appointed by the  
2842 State Fire Marshal.

2843 11. The remaining member, who shall be appointed by the  
2844 State Fire Marshal, may not be a member or representative of the  
2845 firefighting profession or of any local government.

2846 (b) To be eligible for appointment as a member under  
2847 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,  
2848 subparagraph (a)8., or subparagraph (a)10. fire chief member,  
2849 firefighter officer member, firefighter member, or a director or  
2850 instructor of a state-certified firefighting facility, a person  
2851 must shall have had at least 4 years' experience in the  
2852 firefighting profession. ~~The remaining member, who shall be~~  
2853 ~~appointed by the State Fire Marshal, shall not be a member or~~  
2854 ~~representative of the firefighting profession or of any local~~



360216

2855 ~~government.~~ Members shall serve only as long as they continue to  
2856 meet the criteria under which they were appointed, or unless a  
2857 member has failed to appear at three consecutive and properly  
2858 noticed meetings unless excused by the chair.

2859 (5) The council shall elect to 1-year terms a chair and a  
2860 vice chair. A person may not serve more than two consecutive  
2861 terms in either office.

2862 (6) The council shall meet at the call of the chair, at the  
2863 request of a majority of its membership, at the request of the  
2864 department, or at such times as are prescribed by its rules, and  
2865 a majority of the council shall constitute a quorum.

2866 (7) Members of the council shall serve without compensation  
2867 but shall be entitled to be reimbursed for per diem and travel  
2868 expenses as provided by s. 112.061.

2869 (8) The council may adopt a seal for its use containing the  
2870 words "Firefighters Employment, Standards, and Training  
2871 Council."

2872 (9) The council shall have special powers in connection  
2873 with the employment and training of firefighters to:

2874 (a) Recommend, for adoption by the division, uniform  
2875 minimum standards for the employment and training of  
2876 firefighters and training of volunteer firefighters.

2877 (b) Recommend, for adoption by the division, minimum  
2878 curriculum requirements for schools operated by or for any fire  
2879 service provider for the specific purpose of training  
2880 firefighter trainees, firefighters, and volunteer firefighters.

2881 (c) Recommend, for adoption by the division, on matters  
2882 relating to the funding, general operation, and administration  
2883 of the Bureau of Fire Standards and Training (Florida State Fire



360216

2884 College), including, but not limited to, all standards,  
2885 training, curriculum, and the issuance of any certificate of  
2886 competency required by this chapter.

2887 (d) Make or support studies on any aspect of firefighting  
2888 employment, education, and training or recruitment.

2889 (e) Make recommendations concerning any matter within its  
2890 purview pursuant to this section.

2891 Section 57. Section 633.42, Florida Statutes, is  
2892 transferred, renumbered as 633.404, Florida Statutes, and  
2893 amended to read:

2894 633.404 ~~633.42~~ Additional standards authorized.—Nothing  
2895 herein shall be construed to preclude a fire service provider ~~an~~  
2896 ~~employing agency~~ from establishing qualifications and standards  
2897 for hiring, training, or promoting firefighters that exceed the  
2898 minimum set by the division ~~department~~.

2899 Section 58. Section 633.406, Florida Statutes, is created  
2900 to read:

2901 633.406 Classes of certification.—

2902 (1) The division may award one or more of the following  
2903 certificates:

2904 (a) Firefighter Certificate of Compliance.—A Firefighter  
2905 Certificate of Compliance may be awarded to a person who meets  
2906 the requirements established in s. 633.408(4).

2907 (b) Fire Safety Inspector Certificate of Compliance.—A Fire  
2908 Safety Inspector Certificate of Compliance may be awarded to a  
2909 person who meets the requirements established in s. 633.216(2).

2910 (c) Special Certificate of Compliance.—A Special  
2911 Certificate of Compliance may be awarded to a person who  
2912 qualifies under s. 633.408(6).



360216

2913           (d) Forestry Certificate of Compliance.—A Forestry  
2914 Certificate of Compliance may be awarded to a person who has  
2915 satisfactorily complied with a training program and successfully  
2916 passed an examination as prescribed by rule, and who possesses  
2917 the qualifications established in s. 590.02(1)(e).

2918           (e) Fire Service Instructor Certificate.—A Fire Service  
2919 Instructor Certificate may be awarded to a person who  
2920 demonstrates general or specialized knowledge, skills, and  
2921 abilities in firefighting service and meets the qualification  
2922 requirements prescribed by rule.

2923           (f) Certificate of Competency.—A Certificate of Competency  
2924 may be awarded to a person who meets the experience, training,  
2925 advanced education, or examination requirements as prescribed by  
2926 rule, and is especially qualified for particular aspects of  
2927 firefighting service.

2928           (g) Volunteer Firefighter Certificate of Completion.—A Fire  
2929 Service Instructor Certificate may be awarded to a person who  
2930 has satisfactorily completed the training requirements as  
2931 prescribed by rule for a volunteer firefighter.

2932           (2) The division may establish by rule certificates, in  
2933 addition to those provided in subsection (1), that the division  
2934 may award in recognition of special training or education  
2935 received by an individual, authorizing that individual to  
2936 perform specialized firefighting services or provide specialized  
2937 firefighting instruction, such as hazardous materials and urban  
2938 search and rescue.

2939           Section 59. Section 633.35, Florida Statutes, is  
2940 transferred, renumbered as section 633.408, Florida Statutes,  
2941 and amended to read:



360216

2942           633.408 ~~633.35~~ Firefighter and volunteer firefighter  
2943 training and certification.—  
2944           (1) The division shall establish by rule:  
2945           (a) A Minimum Standards Course and course examination to  
2946 provide the training required to obtain a Firefighter  
2947 Certificate of Compliance.  
2948           (b) Courses and course examinations to provide training  
2949 required to obtain a Volunteer Firefighter Certificate of  
2950 Completion or a Special Certificate of Compliance.  
2951           (c) Courses to provide continuing training for firefighters  
2952 and volunteer firefighters.  
2953           (2) Courses under subsection (1) may only be administered  
2954 by education or training providers approved by the division  
2955 pursuant to s. 633.128(1)(c) and taught by instructors certified  
2956 pursuant to s. 633.128(1)(d) a firefighter training program of  
2957 not less than 360 hours, administered by such agencies and  
2958 institutions as it approves for the purpose of providing basic  
2959 employment training for firefighters.  
2960           (3) (a) Nothing herein shall require a fire service provider  
2961 public employer to pay the cost of such training.  
2962           (b) A fire service provider may pay part or all of the  
2963 costs of tuition for attendance at approved courses.  
2964           (4) ~~(2)~~ The division shall issue a firefighter certificate  
2965 of compliance to any individual who:  
2966           (a) ~~person~~ Satisfactorily completes ~~complying with the~~  
2967 Minimum Standards Course or who has satisfactorily completed  
2968 training for firefighters in another state which has been  
2969 determined by the division to be at least the equivalent of the  
2970 training required for the Minimum Standards Course.



360216

2971           (b) Passes the minimum standards course examination.  
2972 ~~training program established in subsection (1), who has~~  
2973 ~~successfully passed an examination as prescribed by the~~  
2974 ~~division, and~~  
2975           (c) who Possesses the qualifications for employment in s.  
2976 633.412 633.34, except s. 633.34(5).  
2977           (5) The division shall issue a Volunteer Firefighter  
2978 Certificate of Completion to any individual who satisfactorily  
2979 completes the course established under paragraph (1)(b) No  
2980 ~~person may be employed as a regular or permanent firefighter by~~  
2981 ~~an employing agency, or by a private entity under contract with~~  
2982 ~~the state or any political subdivision of the state, including~~  
2983 ~~authorities and special districts, for a period of time in~~  
2984 ~~excess of 1 year from the date of initial employment until he or~~  
2985 ~~she has obtained such certificate of compliance. A person who~~  
2986 ~~does not hold a certificate of compliance and is employed under~~  
2987 ~~this section may not directly engage in hazardous operations,~~  
2988 ~~such as interior structural firefighting and hazardous-~~  
2989 ~~materials incident mitigation, requiring the knowledge and~~  
2990 ~~skills taught in a training program established in subsection~~  
2991 ~~(1). However, a person who has served as a volunteer firefighter~~  
2992 ~~with the state or any political subdivision of the state,~~  
2993 ~~including authorities and special districts, who is then~~  
2994 ~~employed as a regular or permanent firefighter may function,~~  
2995 ~~during this period, in the same capacity in which he or she~~  
2996 ~~acted as a volunteer firefighter, provided that he or she has~~  
2997 ~~completed all training required by the volunteer organization.~~  
2998           (3) The division may issue a certificate to any person who  
2999 ~~has received basic employment training for firefighters in~~





360216

3000 ~~another state when the division has determined that such~~  
3001 ~~training was at least equivalent to that required by the~~  
3002 ~~division for approved firefighter education and training~~  
3003 ~~programs in this state and when such person has satisfactorily~~  
3004 ~~complied with all other requirements of this section.~~

3005 (6) (a) The division may also issue a Special Certificate of  
3006 Compliance to an individual a person who:

3007 1. Satisfactorily completes the course established in  
3008 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3009 2. Passes the examination established in paragraph (1) (b),  
3010 to obtain a Special Certificate of Compliance.

3011 3. Possesses the qualifications in s. 633.412 is otherwise  
3012 ~~qualified under this section and who is employed as the~~  
3013 ~~administrative and command head of a fire/rescue/emergency~~  
3014 ~~services organization, based on the acknowledgment that such~~  
3015 ~~person is less likely to need physical dexterity and more likely~~  
3016 ~~to need advanced knowledge of firefighting and supervisory~~  
3017 ~~skills.~~

3018 (b) A special The certificate of compliance is valid only  
3019 authorizes an individual to serve while the person is serving in  
3020 ~~a position as an administrative and command head of a fire~~  
3021 service provider fire/rescue/emergency services organization.

3022 (7) (4) An individual A person who fails an examination  
3023 given under this section may retake the examination once within  
3024 6 months after the original examination date. If the individual  
3025 ~~An applicant who~~ does not retake the examination or fails the  
3026 reexamination within such time, the individual must take the  
3027 Minimum Standards Course for a Firefighter Certificate of  
3028 Compliance or the course established under paragraph (1) (b) for



360216

3029 a Special Certificate of Compliance, pursuant to subsection (1),  
3030 before being reexamined. The division may grant an extension of  
3031 the 6-month period based upon documented medical necessity and  
3032 may establish reasonable preregistration deadlines for such  
3033 reexaminations.

3034 (8) ~~(5)~~ Pursuant to s. 590.02(1)(e), the division shall  
3035 establish a structural fire training program of not less than  
3036 206 ~~40~~ hours. The division shall issue to a any person  
3037 satisfactorily complying with this training program and who has  
3038 successfully passed an examination as prescribed by the division  
3039 and who has met the requirements of s. 590.02(1)(e), a Forestry  
3040 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

3041 ~~(6)~~ An individual who holds a current and valid Forestry  
3042 Certificate of Compliance ~~A certified forestry firefighter~~ is  
3043 entitled to the same rights, privileges, and benefits provided  
3044 for by law as a ~~certified~~ firefighter.

3045 Section 60. Section 633.34, Florida Statutes, is  
3046 transferred, renumbered as section 633.412, Florida Statutes,  
3047 and amended to read:

3048 633.412 ~~633.34~~ Firefighters; qualifications for  
3049 certification ~~employment.~~

3050 (1) A Any person applying for certification ~~employment~~ as a  
3051 firefighter must:

3052 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the  
3053 term may be determined by the division, and at least 18 years of  
3054 age.

3055 (b) ~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor  
3056 relating to the certification or to perjury or false statements,  
3057 or a felony or a crime punishable by imprisonment of 1 year or



360216

3058 more under the law of the United States or of any state thereof  
3059 or under the law of any other country, or dishonorably  
3060 discharged from any of the Armed Forces of the United States.

3061 "Convicted" means a finding of guilt or the acceptance of a plea  
3062 of guilty or nolo contendere, in any federal or state court or a  
3063 court in any other country, without regard to whether a judgment  
3064 of conviction has been entered by the court having jurisdiction  
3065 of the case ~~felony or of a misdemeanor directly related to the~~  
3066 position of employment sought, nor have pled nolo contendere to  
3067 any charge of a felony. If an applicant has been convicted of a  
3068 felony, such applicant must be in compliance with s.

3069 112.011(2) (b). If an applicant has been convicted of a  
3070 misdemeanor directly related to the position of employment  
3071 sought, such applicant shall be excluded from employment for a  
3072 period of 4 years after expiration of sentence. If the sentence  
3073 is suspended or adjudication is withheld in a felony charge or  
3074 in a misdemeanor directly related to the position or employment  
3075 sought and a period of probation is imposed, the applicant must  
3076 have been released from probation.

3077 (c)(3) Submit fingerprints a ~~fingerprint~~ card to the  
3078 division with a current processing fee. The fingerprints  
3079 ~~fingerprint~~ card will be forwarded to the Department of Law  
3080 Enforcement for state processing, and forwarded by the  
3081 Department of Law Enforcement to ~~and/or~~ the Federal Bureau of  
3082 Investigation for national processing.

3083 (d)(4) Have a good moral character as determined by  
3084 investigation under procedure established by the division.

3085 (e)(5) Be in good physical condition as determined by a  
3086 medical examination given by a physician, surgeon, or physician



360216

3087 assistant licensed to practice in the state pursuant to chapter  
3088 458; an osteopathic physician, surgeon, or physician assistant  
3089 licensed to practice in the state pursuant to chapter 459; or an  
3090 advanced registered nurse practitioner licensed to practice in  
3091 the state pursuant to chapter 464. Such examination may include,  
3092 but need not be limited to, ~~provisions of~~ the National Fire  
3093 Protection Association Standard 1582. A medical examination  
3094 evidencing good physical condition shall be submitted to the  
3095 division, on a form as provided by rule, before an individual is  
3096 eligible for admission into a course under ~~firefighter training~~  
3097 ~~program as defined in s. 633.408~~ 633.35.

3098 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at  
3099 least 1 year immediately preceding application, as evidenced by  
3100 the sworn affidavit of the applicant.

3101 (2) If the division suspends or revokes an individual's  
3102 certificate, the division must suspend or revoke all other  
3103 certificates issued by the division pursuant to this part.

3104 Section 61. Section 633.352, Florida Statutes, is  
3105 transferred, renumbered as section 633.414, Florida Statutes,  
3106 and amended to read:

3107 633.414 ~~633.352~~ Retention of firefighter certification.—

3108 (1) In order for a firefighter to retain her or his  
3109 Firefighter Certificate of Compliance, every 4 years he or she  
3110 must:

3111 (a) Be ~~Any certified firefighter who has not been active as~~  
3112 ~~a firefighter, or as a volunteer firefighter with an organized~~  
3113 ~~fire department, for a period of 3 years shall be required to~~  
3114 ~~retake the practical portion of the minimum standards state~~  
3115 ~~examination specified in rule 69A-37.056(6)(b), Florida~~



360216

3116 ~~Administrative Code, in order to maintain her or his~~  
3117 ~~certification as a firefighter;~~

3118 (b) Maintain a current and valid fire service instructor  
3119 certificate, instruct at least 40 hours during the 4-year  
3120 period, and provide proof of such instruction to the division,  
3121 which proof must be registered in an electronic database  
3122 designated by the division;

3123 (c) Successfully complete a refresher course consisting of  
3124 a minimum of 40 hours of training to be prescribed by rule; or

3125 (d) Within 6 months before the 4-year period expires,  
3126 successfully retake and pass the Minimum Standards Course  
3127 examination.

3128 (2) In order for a volunteer firefighter to retain her or  
3129 his Volunteer Firefighter Certificate of Completion, every 4  
3130 years he or she must:

3131 (a) Be active as a volunteer firefighter; or

3132 (b) Successfully complete a refresher course consisting of  
3133 a minimum of 40 hours of training to be prescribed by rule.

3134 (3) Subsection (1) however, this requirement does not apply  
3135 to state-certified firefighters who are certified and employed  
3136 as full-time, as determined by the fire service provider, as  
3137 firesafety inspectors or fire investigators firesafety  
3138 instructors, regardless of her or his the firefighter's  
3139 employment status as a firefighter.

3140 (4) For the purposes of this section, the term "active"  
3141 means being employed as a firefighter or providing service as a  
3142 volunteer firefighter for a cumulative 6 months within a 4-year  
3143 period.

3144 (5) The 4-year 3-year period begins:



360216

3145           (a) If the individual is certified on or after July 1,  
3146 2013, on the date the certificate of compliance is issued or  
3147 upon termination of employment or service with a an organized  
3148 fire department.

3149           (b) If the individual is certified before July 1, 2013, on  
3150 July 1, 2014, or upon termination of employment or service  
3151 thereafter.

3152           Section 62. Section 633.41, Florida Statutes, is  
3153 transferred, renumbered as section 633.416, Florida Statutes,  
3154 and amended to read:

3155           633.416 ~~633.41~~ Firefighter employment and volunteer  
3156 firefighter service; saving clause.-

3157           (1) A fire service provider may not employ an individual  
3158 to:

3159           (a) Extinguish fires for the protection of life or property  
3160 or to supervise individuals who perform such services unless the  
3161 individual holds a current and valid Firefighter Certificate of  
3162 Compliance; or

3163           (b) Serve as the administrative and command head of a fire  
3164 service provider for a period in excess of 1 year unless the  
3165 individual holds a current and valid Firefighter Certificate of  
3166 Compliance or Special Certificate of Compliance.

3167           (2) A fire service provider may not retain the services of  
3168 an individual volunteering to extinguish fires for the  
3169 protection of life or property or to supervise individuals who  
3170 perform such services unless the individual holds a current and  
3171 valid Volunteer Firefighter Certificate of Completion.

3172           (3) (a) A fire service provider must make a diligent effort  
3173 to determine whether the individual has a current and valid



360216

3174 certificate before employing or retaining an individual for the  
3175 services under subsection (1) or subsection (2), including  
3176 making a determination of whether the requirements set forth in  
3177 s. 633.414 have been fulfilled.

3178 (b) For the purposes of this subsection, the term "diligent  
3179 effort" means contacting at least three of the individual's  
3180 previous employers to obtain her or his dates of employment and  
3181 contacting the division to determine the certification status of  
3182 the individual.

3183 (4) (a) A fire service provider must notify the division  
3184 electronically, as directed by rule by the division, within 10  
3185 days after:

- 3186 1. The hiring of a firefighter.
- 3187 2. The retention of a volunteer firefighter.
- 3188 3. The cessation of employment of a firefighter.
- 3189 4. A decision not to retain a volunteer firefighter.

3190 (b) Notification under paragraph (a) must include:

- 3191 1. The individual's name.
- 3192 2. The date on which he or she was hired or retained.
- 3193 3. The last date of employment or retention before leaving  
3194 the fire service provider.

3195 4. Any other information deemed necessary by the division  
3196 to determine compliance with ss. 633.414 and 633.426.

3197 (5) If the fire service provider makes a determination that  
3198 an individual has not met the requirements set forth in s.  
3199 633.414(1), the fire service provider must notify the division  
3200 in writing within 10 days after making that determination.

3201 (6) The division may conduct site visits to fire  
3202 departments to monitor compliance with this section.



360216

3203           (7) For purposes of this section, the term "employ" means  
3204 to pay an individual a salary, wage, or other compensation for  
3205 the performance of work. The term does not include the payment  
3206 of expenses, reasonable benefits, a nominal fee, or a  
3207 combination thereof to a volunteer for a public or private fire  
3208 service provider who is only paid in a manner that would be  
3209 authorized for a volunteer under the federal Fair Labor  
3210 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,  
3211 and its implementing rules.

3212           (8) Firefighters employed on July 5, 1969, are not required  
3213 to meet the provisions of ss. 633.412 and 633.408 ~~633.34 and~~  
3214 ~~633.35~~ as a condition of tenure or continued employment, and  
3215 ~~nor shall~~ their failure to fulfill such requirements does not  
3216 make them ineligible for any promotional examination for which  
3217 they are otherwise eligible or affect in any way any pension  
3218 rights to which they may be entitled on July 5, 1969.

3219           Section 63. Section 633.38, Florida Statutes, is  
3220 transferred, renumbered as section 633.418, Florida Statutes,  
3221 and amended to read:

3222           633.418 ~~633.38~~ Inservice training and promotion;  
3223 participation.-

3224           (1) (a) The division shall by rule ~~rules and regulations~~  
3225 prescribe curricula and standards for advanced and specialized  
3226 training courses and education ~~training~~ in addition to those  
3227 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

3228           (b) The standards provided by this section do ~~shall~~ not  
3229 bind any fire service provider ~~employing agency~~ as to the  
3230 requirements it may have for promoting personnel.

3231           (2) A fire service provider ~~departments or any fire service~~





360216

3232 participating under ~~the provisions of~~ this section shall adhere  
3233 to the standards and procedures established by the division.

3234 Section 64. Section 633.382, Florida Statutes, is  
3235 transferred, renumbered as section 633.422, Florida Statutes,  
3236 and amended to read:

3237 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

3238 ~~(1) DEFINITIONS. As used in this section, the term:~~

3239 ~~(a) "Employing agency" means any municipality or any~~  
3240 ~~county, the state, or any political subdivision of the state,~~  
3241 ~~including authorities and special districts employing~~  
3242 ~~firefighters.~~

3243 ~~(b) "Firefighter" means any person who meets the definition~~  
3244 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~  
3245 ~~compliance with s. 633.35 and who is employed solely within the~~  
3246 ~~fire department of the employing agency or is employed by the~~  
3247 ~~division.~~

3248 (1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The  
3249 Legislature recognizes the need for supplemental compensation  
3250 for firefighters who pursue higher educational opportunities  
3251 that directly relate to the improvement of the health, safety,  
3252 and welfare of firefighters and those who firefighters protect.  
3253 The State Fire Marshal shall determine, and adopt by rule, the  
3254 course work or degrees that represent the best practices toward  
3255 this goal in the field of firefighting.

3256 (a) In addition to the compensation now paid by a fire  
3257 service provider ~~an employing agency~~ to any firefighter, every  
3258 firefighter shall be paid supplemental compensation by the fire  
3259 service provider ~~employing agency~~ when such firefighter is a  
3260 full-time employee, as determined by the employing fire service



360216

3261 provider, and has complied with one of the following criteria:

3262 1. A ~~Any~~ firefighter who receives an associate degree from  
3263 an accredited a college, which degree is directly applicable to  
3264 fire department duties, as outlined in policy guidelines adopted  
3265 by rule by ~~of~~ the division, shall be additionally compensated as  
3266 outlined in paragraph (2) (a) ~~(3) (a)~~.

3267 2. A ~~Any~~ firefighter, regardless of whether or not she or  
3268 he earned an associate degree earlier, who receives from an  
3269 accredited college or university a bachelor's degree, which  
3270 bachelor's degree is directly applicable to fire department  
3271 duties, as outlined in policy guidelines adopted by rule by ~~of~~  
3272 the division, shall receive compensation as outlined in  
3273 paragraph (2) (b) ~~(3) (b)~~.

3274 (b) If ~~Whenever~~ any question arises as to the eligibility  
3275 of any firefighter to receive supplemental compensation as  
3276 provided in this section, the question, together with all facts  
3277 relating thereto, must ~~shall~~ be submitted to the division for  
3278 determination, and the decision of the division with regard to  
3279 determination of eligibility shall be final, subject to ~~the~~  
3280 ~~provisions of~~ chapter 120.

3281 (2) (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation  
3282 shall be determined as follows:

3283 (a) Fifty dollars shall be paid monthly to each firefighter  
3284 who qualifies under ~~the provisions of~~ subparagraph (1) (a) 1  
3285 ~~(2) (a) 1~~.

3286 (b) One hundred and ten dollars shall be paid monthly to  
3287 each firefighter who qualifies under ~~the provisions of~~  
3288 subparagraph (1) (a) 2 ~~(2) (a) 2~~.

3289 (3) (4) FUNDING.—



360216

3290 (a) The fire service provider ~~employing agency~~ is  
3291 responsible for the correct payment of firefighters pursuant to  
3292 ~~the provisions of~~ this section. The division may review, in a  
3293 postaudit capacity, any action taken by an agency in  
3294 administering the educational incentive program. The fire  
3295 service provider ~~employing agency~~ shall take appropriate action  
3296 when a postaudit shows that an action taken by the fire service  
3297 provider ~~employing agency~~ was in error.

3298 (b) Each fire service provider ~~agency~~ employing  
3299 firefighters who are eligible for this compensation shall submit  
3300 reports containing information relating to compensation paid as  
3301 a result of this section to the division on March 31, June 30,  
3302 September 30, and December 31 of each year.

3303 (c) There is appropriated from the Police and Firefighter's  
3304 Premium Tax Trust Fund to the Firefighters' Supplemental  
3305 Compensation Trust Fund, which is ~~hereby~~ created under the  
3306 Department of Revenue, all moneys which have not been  
3307 distributed to municipalities and special fire control districts  
3308 in accordance with s. 175.121 as a result of the limitation  
3309 contained in s. 175.122 on the disbursement of revenues  
3310 collected pursuant to chapter 175 or as a result of any  
3311 municipality or special fire control district not having  
3312 qualified in any given year, or portion thereof, for  
3313 participation in the distribution of the revenues collected  
3314 pursuant to chapter 175. The total required annual distribution  
3315 from the Firefighters' Supplemental Compensation Trust Fund  
3316 shall equal the amount necessary to pay supplemental  
3317 compensation as provided in this section, provided that:

3318 1. Any deficit in the total required annual distribution



360216

3319 shall be made up from accrued surplus funds existing in the  
3320 Firefighters' Supplemental Compensation Trust Fund on June 30,  
3321 1990, for as long as such funds last. If the accrued surplus is  
3322 insufficient to cure the deficit in any given year, the  
3323 proration of the appropriation among the counties,  
3324 municipalities, and special fire service taxing districts shall  
3325 equal the ratio of compensation paid in the prior year to  
3326 county, municipal, and special fire service taxing district  
3327 firefighters pursuant to this section. This ratio shall be  
3328 provided annually to the Department of Revenue by the division  
3329 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue  
3330 on or after July 1, 1990, shall be redistributed to  
3331 municipalities and special fire control districts as provided in  
3332 subparagraph 2.

3333 2. By October 1 of each year, any funds that have accrued  
3334 or accrue on or after July 1, 1990, and remain in the  
3335 Firefighters' Supplemental Compensation Trust Fund following the  
3336 required annual distribution shall be redistributed by the  
3337 Department of Revenue pro rata to those municipalities and  
3338 special fire control districts identified by the Department of  
3339 Management Services as being eligible for additional funds  
3340 pursuant to s. 175.121(3)(b).

3341 (d) Salary incentive payments to firefighters shall  
3342 commence in the first full calendar month following the initial  
3343 date of certification of eligibility by the division ~~of State~~  
3344 ~~Fire Marshal~~.

3345 (e) Special fire service taxing districts are authorized  
3346 ~~and empowered~~ to spend ~~expend~~ the funds necessary to ensure  
3347 correct payment to firefighters.



360216

3348           ~~(4)~~ ~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental  
3349 compensation and expenses of the administration provided by this  
3350 section is found to serve a state, county, district, and  
3351 municipal purpose and to provide benefit to the state and to its  
3352 counties, municipalities, and districts.

3353           (5) APPLICABILITY.—For the purposes of this section, the  
3354 division shall be considered a fire service provider responsible  
3355 for the payment of supplemental compensation in accordance with  
3356 this section to firefighters employed full-time by the division.

3357           Section 65. Section 633.353, Florida Statutes, is  
3358 transferred, renumbered as section 633.424, Florida Statutes,  
3359 and amended to read:

3360           633.424 ~~633.353~~ Falsification of qualifications.—An  
3361 individual ~~Any person~~ who willfully and knowingly falsifies her  
3362 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of  
3363 Fire Standards and Training of the division commits ~~is guilty of~~  
3364 a misdemeanor of the second degree, punishable as provided in s.  
3365 775.082 or s. 775.083.

3366           Section 66. Section 633.351, Florida Statutes, is  
3367 transferred, renumbered as section 633.426, Florida Statutes,  
3368 and amended to read:

3369           633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~  
3370 standards for revocation of certification.—

3371           (1) For purposes of this section, the term:

3372           (a) "Certificate" means any of the certificates issued  
3373 under s. 633.406.

3374           (b) "Certification" or "certified" means the act of holding  
3375 a current and valid certificate.

3376           (c) "Convicted" means a finding of guilt, or the acceptance



360216

3377 of a plea of guilty or nolo contendere, in any federal or state  
3378 court or a court in any other country, without regard to whether  
3379 a judgment of conviction has been entered by the court having  
3380 jurisdiction of the case.

3381 (2) An individual is ineligible to apply for certification  
3382 if the individual has, at any time, been:

3383 (a) Convicted of a misdemeanor relating to the  
3384 certification or to perjury or false statements.

3385 (b) Convicted of a felony or a crime punishable by  
3386 imprisonment of 1 year or more under the law of the United  
3387 States or of any state thereof, or under the law of any other  
3388 country.

3389 (c) Dishonorably discharged from any of the Armed Forces of  
3390 the United States.

3391 (3) (a) The certification of an individual shall be  
3392 permanently revoked if the individual is:

3393 1. Convicted of a misdemeanor relating to perjury or false  
3394 statement.

3395 2. Convicted of a felony or a crime punishable by  
3396 imprisonment of 1 year or more under the law of the United  
3397 States or of any state thereof, or under the law of any other  
3398 country.

3399 3. Dishonorably discharged from any of the Armed Forces of  
3400 the United States.

3401 (b) For individuals who are certified before July 1, 2013:

3402 1. This subsection applies prospectively to convictions or  
3403 dishonorable discharges entered on or after July 1, 2013.

3404 2. Section 633.351 as it existed before July 1, 2013,  
3405 applies to convictions entered before July 1, 2013.



360216

3406           (4) The certification of an individual a firefighter shall  
3407 be revoked if evidence is found which demonstrates that the  
3408 certification was improperly issued by the division or if  
3409 evidence is found that the certification was issued on the basis  
3410 of false, incorrect, incomplete, or misleading information, or  
3411 that the individual has demonstrated a lack of moral fitness or  
3412 trustworthiness to carry out the responsibilities under the  
3413 individual's certification.

3414           (5) After investigation, if the division has reason to  
3415 believe that an individual who is certified may have been  
3416 convicted of a felony or of a misdemeanor related to perjury or  
3417 false statement in this state or any other state or  
3418 jurisdiction, the division may require the individual to submit  
3419 fingerprints to the division with a current processing fee. The  
3420 fingerprints shall be forwarded by the division to the  
3421 Department of Law Enforcement for state processing and shall be  
3422 forwarded by the Department of Law Enforcement to the Federal  
3423 Bureau of Investigation for national processing.

3424           ~~(2) The certification of a firefighter who is convicted of~~  
3425 ~~a felony, or who is convicted of a misdemeanor relating to~~  
3426 ~~misleading or false statements, or who pleads nolo contendere to~~  
3427 ~~any charge of a felony shall be revoked until the firefighter~~  
3428 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~  
3429 ~~felony or such misdemeanor charge is suspended or adjudication~~  
3430 ~~is withheld, the firefighter's certification shall be revoked~~  
3431 ~~until she or he completes any probation.~~

3432           Section 67. Section 633.43, Florida Statutes, is  
3433 transferred, renumbered as section 633.428, Florida Statutes,  
3434 and amended to read:



360216

3435           633.428 ~~633.43~~ Florida State Fire College established.—  
3436 There is ~~hereby~~ established a state institution to be known as  
3437 the Florida State Fire College, to be located at or near Ocala,  
3438 Marion County. The institution shall be operated by the division  
3439 ~~of State Fire Marshal of the department.~~

3440           Section 68. Section 633.44, Florida Statutes, is  
3441 transferred, renumbered as section 633.432, Florida Statutes,  
3442 and amended to read:

3443           633.432 ~~633.44~~ Purpose of fire college.—The purposes of  
3444 part IV ss. 633.43-633.49 and of the Florida State Fire College  
3445 are shall be:

3446           (1) To provide professional and volunteer firefighters with  
3447 needful professional instruction and training in subjects,  
3448 including, but not limited to, firefighting, fire prevention,  
3449 hazardous materials, urban search and rescue, and emergency  
3450 operations, at a minimum of cost to them and to their employers.

3451           (2) To ensure the professionalism and competence of those  
3452 performing firefighting, fire prevention, and associated fire  
3453 protection functions by administering a system of certification  
3454 and licensing.

3455           (3)~~(2)~~ To develop new methods and practices of firefighting  
3456 and fire prevention.

3457           (4)~~(3)~~ To assist the state and county, municipal, and other  
3458 local governments of this state and their agencies and officers  
3459 in their investigation and determination of the causes of fires.

3460           (5)~~(4)~~ To provide testing facilities for testing  
3461 firefighting equipment.

3462           (6)~~(5)~~ To disseminate useful information on fires,  
3463 firefighting and fire prevention and other related subjects, to





360216

3464 fire departments and others interested in such information.

3465 ~~(7)(6)~~ To do such other needful or useful things necessary  
3466 to the promotion of public safety in the field of fire hazards  
3467 and fire prevention work.

3468

3469 It is ~~hereby~~ declared by the Legislature that the above purposes  
3470 are legitimate state functions and are designed to promote  
3471 public safety.

3472 Section 69. Section 633.48, Florida Statutes, is  
3473 transferred, renumbered as section 633.434, Florida Statutes,  
3474 and amended to read:

3475 633.434 ~~633.48~~ Superintendent of college.—The division may  
3476 employ a superintendent for the Florida State Fire College, who  
3477 must ~~shall~~ be especially trained and qualified in firefighting,  
3478 fire prevention and fire experimental work, and may employ on  
3479 the recommendations of the ~~said~~ superintendent such other  
3480 instructors, experimental helpers and laborers as may be  
3481 necessary to the proper conduct of the ~~said~~ institution; and may  
3482 proceed with the erection and detailed operation of the ~~said~~  
3483 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

3484 Section 70. Section 633.461, Florida Statutes, is  
3485 transferred, renumbered as section 633.436, Florida Statutes,  
3486 and amended to read:

3487 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The  
3488 funds received from the Insurance Regulatory Trust Fund shall be  
3489 used by the staff of the Florida State Fire College to provide  
3490 all necessary services, training, equipment, and supplies to  
3491 carry out the college's responsibilities, including, but not  
3492 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~



360216

3493 the procurement of training resources and ~~films, videotapes,~~  
3494 ~~audiovisual~~ equipment, and other useful information on fire,  
3495 firefighting, and fire prevention, including public fire service  
3496 information packages.

3497 Section 71. Section 633.47, Florida Statutes, is  
3498 transferred and renumbered as section 633.438, Florida Statutes.

3499 Section 72. Section 633.49, Florida Statutes, is  
3500 transferred, renumbered as section 633.442, Florida Statutes,  
3501 and amended to read:

3502 633.442 ~~633.49~~ Buildings, equipment, and other facilities;  
3503 use.—The division shall have the power to prescribe and shall  
3504 make the necessary rules ~~and regulations~~ for the use of  
3505 buildings, equipment, and other facilities of the Florida State  
3506 Fire College when they are not in use for the purposes set forth  
3507 in part IV ~~ss. 633.43-633.49~~.

3508 Section 73. Section 633.50, Florida Statutes, is  
3509 transferred, renumbered as section 633.444, Florida Statutes,  
3510 and amended to read:

3511 633.444 ~~633.50~~ Division powers and duties; Florida State  
3512 Fire College.—

3513 (1) The division, in performing its duties related to the  
3514 Florida State Fire College, specified in part IV ~~ss. 633.43-~~  
3515 ~~633.49~~, shall:

3516 (a) Enter into agreements with public or private school  
3517 districts, community colleges, junior colleges, or state  
3518 universities to carry out its duties and responsibilities.

3519 (b) Review and approve budget requests for the fire college  
3520 educational program.

3521 (c) Prepare the legislative budget request for the Florida



360216

3522 State Fire College education program. The superintendent is  
3523 responsible for all expenditures pursuant to appropriations.

3524 (d) Implement procedures to obtain appropriate entitlement  
3525 funds from federal and state grants to supplement the annual  
3526 legislative appropriation. Such funds must be used expressly for  
3527 the fire college educational programs.

3528 (e) Develop a staffing and funding formula for the Florida  
3529 State Fire College. The formula must ~~shall~~ include differential  
3530 funding levels for various types of programs, must ~~shall~~ be  
3531 based on the number of full-time equivalent students and  
3532 information obtained from scheduled attendance counts taken the  
3533 first day of each program, and must ~~shall~~ provide the basis for  
3534 the legislative budget request. As used in this section, a full-  
3535 time equivalent student is equal to a minimum of 900 hours in a  
3536 technical certificate program and 400 hours in a degree-seeking  
3537 program. The funding formula must ~~shall~~ be as prescribed  
3538 pursuant to s. 1011.62, must ~~shall~~ include procedures to  
3539 document daily attendance, and must ~~shall~~ require that  
3540 attendance records be retained for audit purposes.

3541 (f) Approve and register in an electronic database an  
3542 education or training provider, designated by the division,  
3543 before the education or training provider may offer any course  
3544 to fulfill any education or training requirement under this  
3545 chapter. The division shall establish criteria, by rule, for the  
3546 approval of such education or training providers, including  
3547 courses taught. Only approved and registered education or  
3548 training providers are eligible to provide instruction or  
3549 training that will be recognized by the division as fulfilling  
3550 any education or training requirement under this chapter.



360216

3551           (g) Recognize only courses offered by approved and  
3552 registered training or education providers as fulfilling the  
3553 education or training requirements under this chapter.

3554           (2) Funds generated by the formula per full-time equivalent  
3555 student may not exceed the level of state funding per full-time  
3556 equivalent student generated through the Florida Education  
3557 Finance Program or the State Community College Program Fund for  
3558 students enrolled in comparable education programs provided by  
3559 public school districts and community colleges. Funds  
3560 appropriated for education and operational costs shall be  
3561 deposited in the Insurance Regulatory Trust Fund to be used  
3562 solely for purposes specified in s. 633.436 ~~633.461~~ and may not  
3563 be transferred to any other budget entity for purposes other  
3564 than education.

3565           Section 74. Section 633.46, Florida Statutes, is transferred  
3566 and renumbered as section 633.446, Florida Statutes.

3567           Section 75. The Division of Law Revision and Information is  
3568 directed to create part V of chapter 633, Florida Statutes,  
3569 consisting of sections 633.502, 633.504, 633.506, 633.508,  
3570 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,  
3571 633.532, 633.534, and 633.536, Florida Statutes, to be entitled  
3572 "Florida Firefighters Occupational Safety and Health Act."

3573           Section 76. Section 633.801, Florida Statutes, is  
3574 transferred, renumbered as section 633.502, Florida Statutes,  
3575 and amended to read:

3576           633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,  
3577 ~~633.801-633.821~~ may be cited as the "Florida Firefighters  
3578 Occupational Safety and Health Act."

3579           Section 77. Section 633.802, Florida Statutes, is



360216

3580 transferred and renumbered as section 633.504, Florida Statutes,  
3581 and subsections (1), (2), and (4) of that section are amended,  
3582 to read:

3583 633.504 ~~633.802~~ Definitions.—As used in this part, the term  
3584 ~~Unless the context clearly requires otherwise, the following~~  
3585 ~~definitions shall apply to ss. 633.801-633.821:~~

3586 (1) "Firefighter employee" means a firefighter, volunteer  
3587 firefighter, or individual providing support services who is ~~any~~  
3588 ~~person~~ engaged in any employment, public or private, ~~as a~~  
3589 ~~firefighter~~ under any appointment or contract of hire or  
3590 apprenticeship, express or implied, oral or written, whether  
3591 lawfully or unlawfully employed, responding to or assisting with  
3592 fire or medical emergencies, regardless of ~~or not the~~  
3593 ~~firefighter is~~ on duty, except those appointed under s.  
3594 590.02(1)(d).

3595 (2) "Firefighter employer" means the state and all  
3596 political subdivisions of this state, all public and quasi-  
3597 public corporations in this state, and a ~~every~~ person carrying  
3598 on any employment for this state, political subdivisions of this  
3599 state, and public and quasi-public corporations in this state  
3600 which employs firefighter employees ~~firefighters~~, except those  
3601 appointed under s. 590.02(1)(d).

3602 (4) "Firefighter place of employment" or "place of  
3603 employment" means the physical location at which the firefighter  
3604 employee is employed or deployed.

3605 Section 78. Section 633.803, Florida Statutes, is  
3606 transferred, renumbered as section 633.506, Florida Statutes,  
3607 and amended to read:

3608 633.506 ~~633.803~~ Legislative intent.—It is the intent of the



360216

3609 Legislature to enhance firefighter occupational safety and  
3610 health in the state through the implementation and maintenance  
3611 of policies, procedures, practices, rules, and standards that  
3612 reduce the incidence of firefighter employee accidents,  
3613 firefighter employee occupational diseases, and firefighter  
3614 employee fatalities compensable under chapter 440 or otherwise.  
3615 The Legislature further intends that the division develop a  
3616 means by which the division can identify individual firefighter  
3617 employers with a high frequency or severity of work-related  
3618 injuries, conduct safety inspections of those firefighter  
3619 employers, and assist those firefighter employers in the  
3620 development and implementation of firefighter employee safety  
3621 and health programs. In addition, it is the intent of the  
3622 Legislature that the division administer and enforce this part  
3623 ~~the provisions of ss. 633.801-633.821~~; provide assistance to  
3624 firefighter employers, firefighter employees, and insurers; and  
3625 enforce the policies, rules, and standards set forth in this  
3626 part ss. 633.801-633.821.

3627 Section 79. Section 633.821, Florida Statutes, is  
3628 transferred and renumbered as section 633.508, Florida Statutes,  
3629 subsections (2), (3), (5), and (6) of that section are amended,  
3630 and subsection (7) is added to that section, to read:

3631 633.508 633.821 Workplace safety; rulemaking authority;  
3632 division authority.-

3633 (2) The division shall have the authority to adopt rules  
3634 for the purpose of ensuring safe working conditions for all  
3635 firefighter employees by authorizing the enforcement of  
3636 effective standards, by assisting and encouraging firefighter  
3637 employers to maintain safe working conditions, and by providing



360216

3638 for education and training in the field of safety. Specifically,  
3639 the division may by rule adopt the most current edition of all  
3640 or any part of subparts C through T and subpart Z of 29 C.F.R.  
3641 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~  
3642 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~  
3643 ~~Safety System) (1992 edition); the National Fire Protection~~  
3644 ~~Association, Inc., Publication 1403, Standard on Live Fire~~  
3645 ~~Training Evolutions (latest edition), as limited by subsection~~  
3646 ~~(6); and ANSI A 10.4-1990.~~

3647 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
3648 individuals located outside the immediately dangerous to life  
3649 and health atmosphere may be assigned to an additional role,  
3650 such as incident commander, pumper operator, engineer, or  
3651 driver, so long as such individual can ~~is able to~~ immediately  
3652 perform assistance or rescue activities without jeopardizing the  
3653 safety or health of any firefighter employee working at an  
3654 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

3655 ~~(a) Each county, municipality, and special district shall~~  
3656 ~~implement such provision by April 1, 2002, except as provided in~~  
3657 ~~paragraphs (b) and (c).~~

3658 ~~(b) If any county, municipality, or special district is~~  
3659 ~~unable to implement such provision by April 1, 2002, without~~  
3660 ~~adding additional personnel to its firefighting staff or~~  
3661 ~~expending significant additional funds, such county,~~  
3662 ~~municipality, or special district shall have an additional 6~~  
3663 ~~months within which to implement such provision. Such county,~~  
3664 ~~municipality, or special district shall notify the division that~~  
3665 ~~the 6-month extension to implement such provision is in effect~~  
3666 ~~in such county, municipality, or special district within 30 days~~



360216

3667 ~~after its decision to extend the time for the additional 6~~  
3668 ~~months. The decision to extend the time for implementation shall~~  
3669 ~~be made prior to April 1, 2002.~~

3670 ~~(c) If, after the extension granted in paragraph (b), the~~  
3671 ~~county, municipality, or special district, after having worked~~  
3672 ~~with and cooperated fully with the division and the Firefighters~~  
3673 ~~Employment, Standards, and Training Council, is still unable to~~  
3674 ~~implement such provisions without adding additional personnel to~~  
3675 ~~its firefighting staff or expending significant additional~~  
3676 ~~funds, such municipality, county, or special district shall be~~  
3677 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~  
3678 ~~However, each year thereafter the division shall review each~~  
3679 ~~such county, municipality, or special district to determine if~~  
3680 ~~such county, municipality, or special district has the ability~~  
3681 ~~to implement such provision without adding additional personnel~~  
3682 ~~to its firefighting staff or expending significant additional~~  
3683 ~~funds. If the division determines that any county, municipality,~~  
3684 ~~or special district has the ability to implement such provision~~  
3685 ~~without adding additional personnel to its firefighting staff or~~  
3686 ~~expending significant additional funds, the division shall~~  
3687 ~~require such county, municipality, or special district to~~  
3688 ~~implement such provision. Such requirement by the division under~~  
3689 ~~this paragraph constitutes final agency action subject to~~  
3690 ~~chapter 120.~~

3691 (5) The division may adopt any rule necessary to implement,  
3692 interpret, and make specific the provisions of this section,  
3693 provided the division may not adopt by rule any other standard  
3694 or standards of the Occupational Safety and Health  
3695 Administration or the National Fire Protection Association





360216

3696 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter  
3697 employment safety without specific legislative authority.

3698 (6) (a) The division shall adopt rules for live fire  
3699 training that all firefighter employees ~~firefighters~~ subject to  
3700 this chapter must complete. The division shall also adopt rules  
3701 for a training and certification process for live fire training  
3702 instructors.

3703 (b) Such rules for training must ~~shall~~ include:

3704 1. Sections of the most current edition of the National  
3705 Fire Protection Association, Inc., Publication 1402, Guide to  
3706 Building Fire Service Training Centers, relating to establishing  
3707 policies and procedures for effective use of such permanent  
3708 facilities or structures.

3709 2. Sections of the most current edition of the National  
3710 Fire Protection Association, Inc., Publication 1403, Standard on  
3711 Live Fire Training Evolutions, excluding, however:

3712 a. Any chapter entitled "Referenced Publications."

3713 b. References to the National Fire Protection Association,  
3714 Inc., Publication 1975, Station Uniform.

3715 c. Provisions of the National Fire Protection Association,  
3716 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~  
3717 ~~references to such publication in the National Fire Protection~~  
3718 ~~Association, Inc., Publication 1975.~~

3719 d. Any reference to an authority having jurisdiction in the  
3720 National Fire Protection Association, Inc., Publication 1403,  
3721 defined as the organization, office, or individual responsible  
3722 for approving equipment, materials, installations, and  
3723 procedures.

3724 3. A 40-hour training program for live fire training



360216

3725 instructors, including:

3726 a. Live fire instructional techniques.

3727 b. Training safety in acquired or permanent facilities or  
3728 props.

3729 c. Personnel safety.

3730 d. Exterior props, including, but not limited to, liquid  
3731 petroleum gas, other liquid fuels, and similar props.

3732 ~~(c) The rules, excluding those pertaining to live fire~~  
3733 ~~training instructor certification, shall take effect no later~~  
3734 ~~than January 1, 2006.~~

3735 (c) ~~(d)~~ Each live fire training instructor is required to be  
3736 a state certified fire safety instructor. All live fire training  
3737 ~~commenced on and after January 1, 2007,~~ must be conducted by a  
3738 certified live fire training instructor.

3739 (d) ~~(e)~~ This subsection does not apply to wildland or  
3740 prescribed live fire training exercises sanctioned by the  
3741 Florida Forest Service of the Department of Agriculture and  
3742 Consumer Services or the National Wildfire Coordinating Group.

3743 (7) The division shall:

3744 (a) Investigate and prescribe by rule what safety devices,  
3745 safeguards, or other means of protection must be adopted for the  
3746 prevention of accidents and injuries in every firefighter  
3747 employee place of employment or at any fire scene; determine  
3748 what suitable devices, safeguards, or other means of protection  
3749 for the prevention of occupational diseases must be adopted or  
3750 followed in any or all such firefighter places of employment or  
3751 at any emergency fire scene; and adopt reasonable rules for the  
3752 prevention of accidents, the safety, protection, and security of  
3753 firefighter employees engaged in interior firefighting, and the



360216

3754 prevention of occupational diseases.

3755 (b) Ascertain, fix, and order such reasonable standards and  
3756 rules for the construction, repair, and maintenance of  
3757 firefighter employee places of employment so as to render them  
3758 safe. Such rules and standards shall be adopted in accordance  
3759 with chapter 120.

3760 (c) Adopt rules prescribing recordkeeping responsibilities  
3761 for firefighter employers, which may include maintaining a log  
3762 and summary of occupational injuries, diseases, and illnesses,  
3763 for producing on request a notice of injury and firefighter  
3764 employee accident investigation records, and prescribing a  
3765 retention schedule for such records.

3766 Section 80. Section 633.817, Florida Statutes, is  
3767 transferred, renumbered as section 633.512, Florida Statutes,  
3768 and amended to read:

3769 633.512 ~~633.817~~ Compliance.—Failure of a firefighter  
3770 employer or an insurer to comply with this part ~~ss. 633.801-~~  
3771 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~  
3772 ~~633.821~~, constitutes grounds for the division to seek remedies,  
3773 including injunctive relief, by making appropriate filings with  
3774 the circuit court.

3775 Section 81. Section 633.805, Florida Statutes, is  
3776 transferred and renumbered as section 633.516, Florida Statutes.

3777 Section 82. Section 633.806, Florida Statutes, is  
3778 transferred, renumbered as section 633.518, Florida Statutes,  
3779 and amended to read:

3780 633.518 ~~633.806~~ Studies, investigations, inspections, or  
3781 inquiries by the division; refusal to admit; penalty.—

3782 (1) The division shall make studies, ~~and~~ investigations,



360216

3783 inspections, or inquiries with respect to compliance with this  
3784 part or any rules authorized under this part safety provisions  
3785 and the causes of firefighter employee injuries, illnesses,  
3786 safety-based complaints, or Line of Duty Deaths (LODD) as  
3787 defined in rule in firefighter employee places of employment and  
3788 shall make such recommendations to the Legislature and  
3789 firefighter employers and insurers as the division considers  
3790 proper as to prevent or reduce future occurrences the best means  
3791 of preventing firefighter injuries. In making such studies, and  
3792 investigations, inspections, or inquiries, the division may  
3793 cooperate with any agency of the United States charged with the  
3794 duty of enforcing any law securing safety against injury in any  
3795 place of firefighter employment covered by this part ss.  
3796 ~~633.801-633.821~~ or any agency or department of the state engaged  
3797 in enforcing any law to ensure safety for firefighter employees.

3798 (2) The division by rule may adopt procedures for  
3799 conducting investigations, inspections, or inquiries of  
3800 firefighter employers under this part ss. ~~633.801-633.821~~.

3801 (3) The division and authorized representatives of the  
3802 division may enter and inspect any firefighter employee's place  
3803 of employment at any reasonable time for the purpose of  
3804 investigating compliance with this part and conducting  
3805 inspections for the proper enforcement of this part. A  
3806 firefighter employer who refuses to admit any member of the  
3807 division or authorized representative of the division to any  
3808 place of employment or to allow investigation and inspection  
3809 pursuant to this section commits a misdemeanor of the second  
3810 degree, punishable as provided in s. 775.082 or s. 775.083.

3811 Section 83. Section 633.807, Florida Statutes, is



360216

3812 transferred, renumbered as section 633.520, Florida Statutes,  
3813 and amended to read:

3814 633.520 ~~633.807~~ Safety; firefighter employer  
3815 responsibilities.—Every firefighter employer shall furnish and  
3816 use safety devices and safeguards, adopt and use methods and  
3817 processes reasonably adequate to render such an employment and  
3818 place of employment safe, and do every other thing reasonably  
3819 necessary to protect the lives, health, and safety of such  
3820 firefighter employees. As used in this section, the terms "safe"  
3821 and "safety," as applied to any employment or place of  
3822 ~~firefighter~~ employment, mean such freedom from danger as is  
3823 reasonably necessary for the protection of the lives, health,  
3824 and safety of firefighter employees, including conditions and  
3825 methods of sanitation and hygiene. Safety devices and safeguards  
3826 required to be furnished by the firefighter employer by this  
3827 section or by the division under authority of this section do  
3828 ~~shall~~ not include personal apparel and protective devices that  
3829 replace personal apparel normally worn by firefighter employees  
3830 during regular working hours.

3831 Section 84. Section 633.809, Florida Statutes, is  
3832 transferred, renumbered as section 633.522, Florida Statutes,  
3833 and amended to read:

3834 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~  
3835 ~~employees have a high frequency of work-related injuries;~~  
3836 corrective plans; workplace safety committees and coordinators;  
3837 failure to implement a safety and health program; cancellation.—

3838 (1) The division shall develop a means to ~~by which the~~  
3839 ~~division may~~ identify individual firefighter employers with  
3840 ~~whose firefighter employees have a high frequency or severity of~~



360216

3841 ~~firefighter employee~~ work-related injuries. ~~The division shall~~  
3842 ~~carry out safety inspections of the facilities and operations of~~  
3843 ~~those firefighter employers in order to assist them in reducing~~  
3844 ~~the frequency and severity of work-related injuries. The~~  
3845 ~~division shall develop safety and health programs for those~~  
3846 ~~firefighter employers. Insurers shall distribute such safety and~~  
3847 ~~health programs to the firefighter employers so identified by~~  
3848 ~~the division. Those firefighter employers identified by the~~  
3849 ~~division as having a high frequency or severity of work-related~~  
3850 ~~injuries shall implement a safety and health program developed~~  
3851 ~~by the division. The division shall conduct ~~carry out~~ safety~~  
3852 ~~inspections of those firefighter employers so identified to~~  
3853 ~~ensure compliance with this part or the division's rules and~~  
3854 ~~make recommendations based upon current the safety and health~~  
3855 ~~practices ~~program~~ and to assist such firefighter employers in~~  
3856 ~~reducing the number of work-related injuries. The division may~~  
3857 ~~not assess penalties as a result of such inspections, ~~except as~~~~  
3858 ~~provided by s. 633.813. Copies of any report made as the result~~  
3859 ~~of such an inspection shall be provided to the firefighter~~  
3860 ~~employer and its insurer. Firefighter employers shall ~~may~~ submit~~  
3861 ~~a plan for the correction of any noncompliance issues ~~their own~~~~  
3862 ~~safety and health programs to the division for approval in~~  
3863 ~~accordance with division rule ~~lieu of using the safety and~~~~  
3864 ~~health program developed by the division. The division shall~~  
3865 ~~promptly review the plan ~~program~~ submitted and approve or~~  
3866 ~~disapprove the plan ~~program~~ within 60 days or such plan ~~program~~~~  
3867 ~~shall be deemed approved. Upon approval by the division, the~~  
3868 ~~plan ~~program~~ shall be implemented by the firefighter employer.~~  
3869 ~~If the plan ~~program~~ is not submitted, does not provide~~



360216

3870 corrective actions for all deficiencies, is not complete, or is  
3871 not implemented, the fire service provider shall be subject to  
3872 s. 633.526 approved or if a program is not submitted, the  
3873 firefighter employer shall implement the program developed by  
3874 the division. The division shall adopt rules setting forth the  
3875 criteria for safety and health programs, as such rules relate to  
3876 this section.

3877 (2) In order to promote health and safety in firefighter  
3878 employee places of employment in this state:

3879 (a) Each firefighter employer of 20 or more firefighter  
3880 employees shall establish and administer a workplace safety  
3881 committee in accordance with rules adopted under this section.

3882 (b) Each firefighter employer of fewer than 20 firefighter  
3883 employees with a high frequency or high severity of work-related  
3884 injuries, as identified by the division, shall establish and  
3885 administer a workplace safety committee or designate a workplace  
3886 safety coordinator who shall establish and administer workplace  
3887 safety activities in accordance with rules adopted under this  
3888 section.

3889 (3) The division shall adopt rules:

3890 (a) Prescribing the membership of the workplace safety  
3891 committees so as to ensure an equal number of firefighter  
3892 employee representatives who are volunteers or are elected by  
3893 their peers and firefighter employer representatives, and  
3894 specifying the frequency of meetings.

3895 (b) Requiring firefighter employers to make adequate  
3896 records of each meeting and to file and to maintain the records  
3897 subject to inspection by the division.

3898 (c) Prescribing the duties and functions of the workplace



360216

3899 safety committee and workplace safety coordinator which include,  
3900 but are not limited to:

3901 1. Establishing procedures for workplace safety inspections  
3902 by the committee.

3903 2. Establishing procedures for investigating all workplace  
3904 accidents, safety-related incidents, illnesses, and deaths.

3905 3. Evaluating accident prevention and illness prevention  
3906 programs.

3907 4. Prescribing guidelines for the training of safety  
3908 committee members.

3909 (4) The composition, selection, and function of workplace  
3910 safety committees shall be a mandatory topic of negotiations  
3911 with any certified collective bargaining agent for firefighter  
3912 employers that operate under a collective bargaining agreement.  
3913 Firefighter employers that operate under a collective bargaining  
3914 agreement that contains provisions governing the formation and  
3915 operation of workplace safety committees that meet or exceed the  
3916 minimum requirements contained in this section, or firefighter  
3917 employers who otherwise have existing workplace safety  
3918 committees that meet or exceed the minimum requirements  
3919 established by this section, are in compliance with this  
3920 section.

3921 (5) Firefighter employees shall be compensated their  
3922 regular hourly wage while engaged in workplace safety committee  
3923 or workplace safety coordinator training, meetings, or other  
3924 duties prescribed under this section.

3925 (6) If a firefighter employer fails to implement a  
3926 corrective plan, the insurer or self-insurer's fund that is  
3927 providing coverage for the firefighter employer may cancel the





360216

3928 contract for insurance with the firefighter employer. In the  
3929 alternative, the insurer or fund may terminate any discount or  
3930 deviation granted to the firefighter employer for the remainder  
3931 of the term of the policy. If the contract is canceled or the  
3932 discount or deviation is terminated, the insurer must make such  
3933 reports as are required by law.

3934 Section 85. Section 633.811, Florida Statutes, is  
3935 transferred, renumbered as section 633.526, Florida Statutes,  
3936 and amended to read:

3937 633.526 ~~633.811~~ Firefighter employer penalties.—If any  
3938 firefighter employer violates or fails or refuses to comply with  
3939 this part ss. ~~633.801-633.821~~, or with any rule adopted by the  
3940 division under such sections in accordance with chapter 120 for  
3941 the prevention of injuries, accidents, or occupational diseases  
3942 or with any lawful order of the division in connection with this  
3943 part ss. ~~633.801-633.821~~, or fails or refuses to furnish or  
3944 adopt any safety device, safeguard, or other means of protection  
3945 prescribed by division rule under this part ss. ~~633.801-633.821~~  
3946 for the prevention of accidents or occupational diseases, the  
3947 division may:

3948 (1) Issue an administrative cease and desist order,  
3949 enforceable in the circuit court in the jurisdiction where the  
3950 violation is occurring or has occurred.

3951 (2) Assess an administrative fine against a firefighter  
3952 employer of not less than \$100 or more than \$1,000 for each  
3953 violation and each day a violation is committed.

3954 (3) Assess against the firefighter employer a civil penalty  
3955 of not less than \$100 nor more than \$5,000 for each day the  
3956 violation, omission, failure, or refusal continues after the



360216

3957 firefighter employer has been given written notice of such  
3958 violation, omission, failure, or refusal. The total penalty for  
3959 each violation shall not exceed \$50,000. The division shall  
3960 adopt rules requiring penalties commensurate with the frequency  
3961 or severity of safety violations. Hearings requested under this  
3962 section shall be conducted in Tallahassee ~~A hearing shall be~~  
3963 ~~held in the county in which the violation, omission, failure, or~~  
3964 ~~refusal is alleged to have occurred, unless otherwise agreed to~~  
3965 ~~by the firefighter employer and authorized by the division.~~ All  
3966 penalties assessed and collected under this section shall be  
3967 deposited in the Insurance Regulatory Trust Fund.

3968 Section 86. Section 633.812, Florida Statutes, is  
3969 transferred and renumbered as section 633.528, Florida Statutes,  
3970 and subsections (2) and (3) of that section are amended, to  
3971 read:

3972 633.528 ~~633.812~~ Division cooperation with Federal  
3973 Government; exemption from requirements for private firefighter  
3974 employers.—

3975 (2) ~~Except as provided in this section,~~ A private  
3976 firefighter employer is not subject to the requirements set  
3977 forth in part IV and part V of the division if the private  
3978 firefighter employer meets the requirements of this part and:

3979 (a) The private firefighter employer is subject to the  
3980 federal regulations in 29 C.F.R. ss. 1910 and 1926.

3981 (b) The private firefighter employer has adopted and  
3982 implemented a written safety program that conforms to the  
3983 requirements of 29 C.F.R. ss. 1910 and 1926.

3984 ~~(c) A private firefighter employer with 20 or more full-~~  
3985 ~~time firefighter employees shall include provisions for a safety~~



360216

3986 ~~committee in the safety program. The safety committee shall~~  
3987 ~~include firefighter employee representation and shall meet at~~  
3988 ~~least once each calendar quarter. The private firefighter~~  
3989 ~~employer shall make adequate records of each meeting and~~  
3990 ~~maintain the records subject to inspections under subsection~~  
3991 ~~(3). The safety committee shall, if appropriate, make~~  
3992 ~~recommendations regarding improvements to the safety program and~~  
3993 ~~corrections of hazards affecting workplace safety.~~

3994 (c) ~~(d)~~ The private firefighter employer provides the  
3995 division with a written statement that certifies compliance with  
3996 this subsection.

3997 (3) The division may enter at any reasonable time any place  
3998 of private firefighter employment for the purpose of verifying  
3999 the accuracy of the written certification. If the division  
4000 determines that the private firefighter employer has not  
4001 complied with the requirements of subsection (2), the private  
4002 firefighter employer shall be subject to the rules of the  
4003 division until the private firefighter employer complies with  
4004 subsection (2), which must be verified by a reinspection by and  
4005 ~~recertifies that fact to~~ the division.

4006 Section 87. Section 633.816, Florida Statutes, is  
4007 transferred, renumbered as section 633.532, Florida Statutes,  
4008 and amended to read:

4009 633.532 ~~633.816~~ Firefighter employee rights and  
4010 responsibilities.-

4011 (1) Each firefighter employee of a firefighter employer  
4012 covered under this part ~~ss. 633.801-633.821~~ shall comply with  
4013 rules adopted by the division and with reasonable workplace  
4014 safety and health standards, rules, policies, procedures, and



360216

4015 work practices established by the firefighter employer and the  
4016 workplace safety committee. A firefighter employee who knowingly  
4017 fails to comply with this subsection may be disciplined or  
4018 discharged by the firefighter employer.

4019 (2) A firefighter employer may not discharge, threaten to  
4020 discharge, cause to be discharged, intimidate, coerce, otherwise  
4021 discipline, or in any manner discriminate against a firefighter  
4022 employee for any of the following reasons:

4023 (a) The firefighter employee has testified or is about to  
4024 testify, on her or his own behalf or on behalf of others, in any  
4025 proceeding instituted under this part ss. 633.801-633.821;

4026 (b) The firefighter employee has exercised any other right  
4027 given afforded under this part ss. 633.801-633.821; or

4028 (c) The firefighter employee is engaged in activities  
4029 relating to the workplace safety committee.

4030 (3) ~~No~~ Pay, a position, seniority, or any other benefit may  
4031 not be lost for exercising any right under, or for seeking  
4032 compliance with any requirement of, this part ss. 633.801-  
4033 633.821.

4034 Section 88. Section 633.818, Florida Statutes, is  
4035 transferred, renumbered as section 633.534, Florida Statutes,  
4036 and amended to read:

4037 633.534 633.818 False, fictitious, or fraudulent acts,  
4038 statements, and representations prohibited; penalty; statute of  
4039 limitations to insurers.-

4040 (1) A firefighter employer who knowingly and willfully  
4041 falsifies or conceals a material fact, who makes a false,  
4042 fictitious, or fraudulent statement or representation, or who  
4043 makes or uses any false document knowing the document to contain



360216

4044 any false, fictitious, or fraudulent entry or statement to an  
4045 insurer of workers' compensation insurance under this part ~~ss.~~  
4046 ~~633.801-633.821~~ commits a misdemeanor of the second degree,  
4047 punishable as provided in s. 775.082 or s. 775.083.

4048 (2) A person may not, in any matter within the jurisdiction  
4049 of the division, knowingly and willfully falsify or conceal a  
4050 material fact; make any false, fictitious, or fraudulent  
4051 statement or representation; or make or use any false document,  
4052 knowing the same to contain any false, fictitious, or fraudulent  
4053 statement or entry. A person who violates this section commits a  
4054 misdemeanor of the second degree, punishable as provided in s.  
4055 775.082 or s. 775.083. The statute of limitations for  
4056 prosecution of an act committed in violation of this section is  
4057 5 years after the date the act was committed or, if not  
4058 discovered within 30 days after the act was committed, 5 years  
4059 after the date the act was discovered.

4060 Section 89. Section 633.814, Florida Statutes, is  
4061 transferred, renumbered as section 633.536, Florida Statutes,  
4062 and amended to read:

4063 633.536 ~~633.814~~ Expenses of administration.—The amounts  
4064 that are needed to administer this part ~~ss. 633.801-633.821~~  
4065 shall be disbursed from the Insurance Regulatory Trust Fund.

4066 Section 90. Paragraph (b) of subsection (2) of section  
4067 112.011, Florida Statutes, is amended to read:

4068 112.011 Disqualification from licensing and public  
4069 employment based on criminal conviction.—

4070 (2)

4071 (b) This section does not apply to the employment practices  
4072 of any fire department relating to the hiring of firefighters.



360216

4073 ~~An applicant for employment with any fire department who has a~~  
4074 ~~prior felony conviction shall be excluded from employment for a~~  
4075 ~~period of 4 years after expiration of sentence or final release~~  
4076 ~~by the Parole Commission unless the applicant, before the~~  
4077 ~~expiration of the 4-year period, has received a full pardon or~~  
4078 ~~has had his or her civil rights restored.~~

4079 Section 91. Paragraph (i) of subsection (2) of section  
4080 112.191, Florida Statutes, is amended, and paragraphs (a), (b),  
4081 and (c) of subsection (2) of that section are reenacted, to  
4082 read:

4083 112.191 Firefighters; death benefits.-

4084 (2) (a) The sum of \$50,000, as adjusted pursuant to  
4085 paragraph (i), shall be paid as provided in this section when a  
4086 firefighter, while engaged in the performance of his or her  
4087 firefighter duties, is accidentally killed or receives  
4088 accidental bodily injury which subsequently results in the loss  
4089 of the firefighter's life, provided that such killing is not the  
4090 result of suicide and that such bodily injury is not  
4091 intentionally self-inflicted. Notwithstanding any other  
4092 provision of law, in no case shall the amount payable under this  
4093 subsection be less than the actual amount stated therein.

4094 (b) The sum of \$50,000, as adjusted pursuant to paragraph  
4095 (i), shall be paid as provided in this section if a firefighter  
4096 is accidentally killed as specified in paragraph (a) and the  
4097 accidental death occurs as a result of the firefighter's  
4098 response to what is reasonably believed to be an emergency  
4099 involving the protection of life or property or the  
4100 firefighter's participation in a training exercise. This sum is  
4101 in addition to any sum provided in paragraph (a).



360216

4102 Notwithstanding any other provision of law, the amount payable  
4103 under this subsection may not be less than the actual amount  
4104 stated therein.

4105 (c) If a firefighter, while engaged in the performance of  
4106 his or her firefighter duties, is unlawfully and intentionally  
4107 killed, is injured by an unlawful and intentional act of another  
4108 person and dies as a result of such injury, dies as a result of  
4109 a fire which has been determined to have been caused by an act  
4110 of arson, or subsequently dies as a result of injuries sustained  
4111 therefrom, the sum of \$150,000, as adjusted pursuant to  
4112 paragraph (i), shall be paid as provided in this section.

4113 Notwithstanding any other provision of law, the amount payable  
4114 under this subsection may not be less than the actual amount  
4115 stated therein.

4116 (i) Any payments made pursuant to paragraph (a), paragraph  
4117 (b), or paragraph (c) shall consist of the statutory amount  
4118 adjusted to show reflect price level changes in the Consumer  
4119 Price Index for All Urban Consumers published by the United  
4120 States Department of Labor since July 1, 2002 ~~the effective date~~  
4121 ~~of the act.~~ The Division of State Fire Marshal, using the most  
4122 recent month for which Consumer Price Index data is available,  
4123 shall, on June 15 of each year, calculate and publish on the  
4124 division's internet website the amount resulting from the  
4125 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~  
4126 ~~on the Consumer Price Index for All Urban Consumers published by~~  
4127 ~~the United States Department of Labor.~~ The adjusted statutory  
4128 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each  
4129 year ~~using the most recent month for which data are available at~~  
4130 ~~the time of the adjustment.~~



360216

4131           Section 92. Subsection (4) of section 120.541, Florida  
4132 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws  
4133 of Florida, is amended to read:

4134           120.541 Statement of estimated regulatory costs.-

4135           (4) Subsection (3) does not apply to the adoption of:

4136           (a) Federal standards pursuant to s. 120.54(6).

4137           (b) Triennial updates of and amendments to the Florida  
4138 Building Code which are expressly authorized by s. 553.73.

4139           (c) Triennial updates of and amendments to the Florida Fire  
4140 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~  
4141 ~~633.0215~~.

4142           Section 93. Paragraph (c) of subsection (6) of section  
4143 196.081, Florida Statutes, as amended by section 2 of chapter  
4144 2012-54, 2012 Laws of Florida, and section 19 of chapter 2012-  
4145 193, 2012 Laws of Florida, is amended to read:

4146           196.081 Exemption for certain permanently and totally  
4147 disabled veterans and for surviving spouses of veterans;  
4148 exemption for surviving spouses of first responders who die in  
4149 the line of duty.-

4150           (6) Any real estate that is owned and used as a homestead  
4151 by the surviving spouse of a first responder who died in the  
4152 line of duty while employed by the state or any political  
4153 subdivision of the state, including authorities and special  
4154 districts, and for whom a letter from the state or appropriate  
4155 political subdivision of the state, or other authority or  
4156 special district, has been issued which legally recognizes and  
4157 certifies that the first responder died in the line of duty  
4158 while employed as a first responder is exempt from taxation if  
4159 the first responder and his or her surviving spouse were





360216

4160 permanent residents of this state on January 1 of the year in  
4161 which the first responder died.

4162 (c) As used in this subsection only, and not applicable to  
4163 the payment of benefits under s. 112.19 or s. 112.191, the term:

4164 1. "First responder" means a law enforcement officer or  
4165 correctional officer as defined in s. 943.10, a firefighter as  
4166 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical  
4167 technician or paramedic as defined in s. 401.23 who is a full-  
4168 time paid employee, part-time paid employee, or unpaid  
4169 volunteer.

4170 2. "In the line of duty" means:

4171 a. While engaging in law enforcement;

4172 b. While performing an activity relating to fire  
4173 suppression and prevention;

4174 c. While responding to a hazardous material emergency;

4175 d. While performing rescue activity;

4176 e. While providing emergency medical services;

4177 f. While performing disaster relief activity;

4178 g. While otherwise engaging in emergency response activity;

4179 or

4180 h. While engaging in a training exercise related to any of  
4181 the events or activities enumerated in this subparagraph if the  
4182 training has been authorized by the employing entity.

4183

4184 A heart attack or stroke that causes death or causes an injury  
4185 resulting in death must occur within 24 hours after an event or  
4186 activity enumerated in this subparagraph and must be directly  
4187 and proximately caused by the event or activity in order to be  
4188 considered as having occurred in the line of duty.



360216

4189           Section 94. Section 633.167, Florida Statutes, is amended  
4190 to read:

4191           633.167 Probation.—

4192           ~~(1)~~ If the State Fire Marshal finds that one or more  
4193 grounds exist for the suspension, revocation, or refusal to  
4194 issue, renew, or continue any license, certification, or permit  
4195 issued under this chapter, the State Fire Marshal may, in her or  
4196 his discretion, except when an administrative fine is not  
4197 permissible under this chapter or when the suspension,  
4198 revocation, or refusal is mandatory, in lieu of suspension,  
4199 revocation, or refusal to issue, renew, or continue or, in  
4200 connection with any administrative fine imposed, place the  
4201 offending licensee, certificateholder, or permittee on probation  
4202 for a period not to exceed 2 years, as specified by the State  
4203 Fire Marshal in her or his order.

4204           ~~(2) As a condition to probation or in connection therewith,~~  
4205 ~~the State Fire Marshal may specify in her or his order~~  
4206 ~~reasonable terms and conditions to be fulfilled by the~~  
4207 ~~probationer during the probation period. If during the probation~~  
4208 ~~period the State Fire Marshal has good cause to believe that the~~  
4209 ~~probationer has violated any of the terms and conditions, she or~~  
4210 ~~he shall suspend, revoke, or refuse to issue, renew, or continue~~  
4211 ~~the license, certificate, or permit of the probationer, as upon~~  
4212 ~~the original ground or grounds referred to in subsection (1).~~

4213           Section 95. Section 633.517, Florida Statutes, is amended  
4214 to read:

4215           633.517 Authority of State Fire Marshal to adopt rules,  
4216 ~~administer oaths, and take testimony.—~~

4217           ~~(1)~~ The State Fire Marshal may ~~is~~ authorized, with the



360216

4218 advice of the board, ~~to~~ adopt rules pursuant to ss. 120.536(1)  
4219 and 120.54 to implement ~~the provisions of~~ this act.

4220 ~~(2) The State Fire Marshal or her or his duly appointed~~  
4221 ~~hearing officer may administer oaths and take testimony about~~  
4222 ~~all matters within the jurisdiction of this act. Chapter 120~~  
4223 ~~governs hearings conducted by or on behalf of the State Fire~~  
4224 ~~Marshal.~~

4225 Section 96. Section 791.012, Florida Statutes, is amended  
4226 to read:

4227 791.012 Minimum fireworks safety standards.—The outdoor  
4228 display of fireworks in this state shall be governed by the  
4229 National Fire Protection Association (NFPA) 1123, Code for  
4230 Fireworks Display, as adopted in the Florida Fire Prevention  
4231 Code 1995 Edition, approved by the American National Standards  
4232 Institute. A Any state, county, or municipal law, rule, or  
4233 ordinance may provide for more stringent rules ~~regulations~~ for  
4234 the outdoor display of fireworks, but ~~in no event may~~ any such  
4235 law, rule, or ordinance may not provide for less stringent rules  
4236 ~~regulations~~ for the outdoor display of fireworks. The division  
4237 shall adopt ~~promulgate~~ rules to carry out ~~the provisions of~~ this  
4238 section. The Code for Fireworks Display shall not govern the  
4239 display of any fireworks on private, residential property and  
4240 shall not govern the display of those items included under s.  
4241 791.01(4) (b) and (c) and authorized for sale thereunder.

4242 Section 97. Subsection (1) and paragraph (a) of subsection  
4243 (3) of section 791.015, Florida Statutes, are amended to read:

4244 791.015 Registration of manufacturers, distributors,  
4245 wholesalers, and retailers of sparklers.—

4246 (1) REGISTRATION REQUIREMENTS.—A Any manufacturer,



360216

4247 distributor, wholesaler, retailer, or seasonal retailer of  
4248 sparklers who wishes to do business in this state or to  
4249 otherwise sell, ship, or assign for sale its products in this  
4250 state must register annually with the division on forms  
4251 prescribed by the division. A Any retailer or seasonal retailer  
4252 who sells sparklers at more than one retail location may submit  
4253 one registration form for all such locations but must provide  
4254 the address of each location with the registration form;  
4255 however, any retailer or seasonal retailer may submit multiple  
4256 registration forms.

4257 (3) FEES.—

4258 (a) Each manufacturer, distributor, or wholesaler must pay  
4259 an annual registration fee to be set by the division not to  
4260 exceed \$1,000. Each seasonal retailer must pay an annual  
4261 registration fee to be set by the division not to exceed \$200  
4262 per each retail location registered. Each retailer shall pay an  
4263 annual registration fee to be set by the division not to exceed  
4264 \$15 for each retail location registered. Each certificateholder  
4265 wishing to have a duplicate certificate issued for one which is  
4266 lost or to show ~~reflect~~ a change of address shall request such  
4267 duplicate in writing and shall pay a fee of \$5.

4268 Section 98. Section 633.024, Florida Statutes, is repealed.

4269 Section 99. Section 633.0245, Florida Statutes, is  
4270 repealed.

4271 Section 100. Section 633.03, Florida Statutes, is repealed.

4272 Section 101. Section 633.0421, Florida Statutes, is  
4273 repealed.

4274 Section 102. Section 633.13, Florida Statutes, is repealed.

4275 Section 103. Section 633.18, Florida Statutes, is repealed.



360216

4276 Section 104. Section 633.30, Florida Statutes, is repealed.  
4277 Section 105. Section 633.32, Florida Statutes, is repealed.  
4278 Section 106. Section 633.33, Florida Statutes, is repealed.  
4279 Section 107. Section 633.37, Florida Statutes, is repealed.  
4280 Section 108. Section 633.445, Florida Statutes, is  
4281 repealed.  
4282 Section 109. Section 633.46, Florida Statutes, is repealed.  
4283 Section 110. Section 633.514, Florida Statutes, is  
4284 repealed.  
4285 Section 111. Section 633.524, Florida Statutes, is  
4286 repealed.  
4287 Section 112. Section 633.804, Florida Statutes, is  
4288 repealed.  
4289 Section 113. Section 633.808, Florida Statutes, is  
4290 repealed.  
4291 Section 114. Section 633.810, Florida Statutes, is  
4292 repealed.  
4293 Section 115. Section 633.813, Florida Statutes, is  
4294 repealed.  
4295 Section 116. Section 633.815, Florida Statutes, is  
4296 repealed.  
4297 Section 117. Section 633.819, Florida Statutes, is  
4298 repealed.  
4299 Section 118. Section 633.820, Florida Statutes, is  
4300 repealed.  
4301 Section 119. Subsection (1) of section 112.1815, Florida  
4302 Statutes, is amended to read:  
4303 112.1815 Firefighters, paramedics, emergency medical  
4304 technicians, and law enforcement officers; special provisions



360216

4305 for employment-related accidents and injuries.-

4306 (1) The term "first responder" as used in this section  
4307 means a law enforcement officer as defined in s. 943.10, a  
4308 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
4309 medical technician or paramedic as defined in s. 401.23 employed  
4310 by state or local government. A volunteer law enforcement  
4311 officer, firefighter, or emergency medical technician or  
4312 paramedic engaged by the state or a local government is also  
4313 considered a first responder of the state or local government  
4314 for purposes of this section.

4315 Section 120. Paragraph (b) of subsection (1) of section  
4316 112.191, Florida Statutes, is amended to read:

4317 112.191 Firefighters; death benefits.-

4318 (1) Whenever used in this act:

4319 (b) The term "firefighter" means any full-time duly  
4320 employed uniformed firefighter employed by an employer, whose  
4321 primary duty is the prevention and extinguishing of fires, the  
4322 protection of life and property therefrom, the enforcement of  
4323 municipal, county, and state fire prevention codes, as well as  
4324 the enforcement of any law pertaining to the prevention and  
4325 control of fires, who is certified pursuant to s. 633.408  
4326 ~~633.35~~, and who is a member of a duly constituted fire  
4327 department of such employer or who is a volunteer firefighter.

4328 Section 121. Subsection (1) of section 112.81, Florida  
4329 Statutes, is amended to read:

4330 112.81 Definitions.-As used in this part:

4331 (1) "Firefighter" means a ~~any~~ person who is certified in  
4332 compliance with s. 633.408 ~~633.35~~ and who is employed solely  
4333 within the fire department or public safety department of an



360216

4334 employing agency as a full-time firefighter whose primary  
4335 responsibility is the prevention and extinguishment of fires;  
4336 the protection of life and property; and the enforcement of  
4337 municipal, county, and state fire prevention codes and laws  
4338 pertaining to the prevention and control of fires.

4339 Section 122. Paragraph (d) of subsection (4) of section  
4340 119.071, Florida Statutes, is amended to read:

4341 119.071 General exemptions from inspection or copying of  
4342 public records.—

4343 (4) AGENCY PERSONNEL INFORMATION.—

4344 (d)1. For purposes of this paragraph, the term "telephone  
4345 numbers" includes home telephone numbers, personal cellular  
4346 telephone numbers, personal pager telephone numbers, and  
4347 telephone numbers associated with personal communications  
4348 devices.

4349 2.a. The home addresses, telephone numbers, social security  
4350 numbers, dates of birth, and photographs of active or former  
4351 sworn or civilian law enforcement personnel, including  
4352 correctional and correctional probation officers, personnel of  
4353 the Department of Children and Family Services whose duties  
4354 include the investigation of abuse, neglect, exploitation,  
4355 fraud, theft, or other criminal activities, personnel of the  
4356 Department of Health whose duties are to support the  
4357 investigation of child abuse or neglect, and personnel of the  
4358 Department of Revenue or local governments whose  
4359 responsibilities include revenue collection and enforcement or  
4360 child support enforcement; the home addresses, telephone  
4361 numbers, social security numbers, photographs, dates of birth,  
4362 and places of employment of the spouses and children of such



360216

4363 personnel; and the names and locations of schools and day care  
4364 facilities attended by the children of such personnel are exempt  
4365 from s. 119.07(1).

4366 b. The home addresses, telephone numbers, dates of birth,  
4367 and photographs of firefighters certified in compliance with s.  
4368 633.408 ~~633.35~~; the home addresses, telephone numbers,  
4369 photographs, dates of birth, and places of employment of the  
4370 spouses and children of such firefighters; and the names and  
4371 locations of schools and day care facilities attended by the  
4372 children of such firefighters are exempt from s. 119.07(1).

4373 c. The home addresses, dates of birth, and telephone  
4374 numbers of current or former justices of the Supreme Court,  
4375 district court of appeal judges, circuit court judges, and  
4376 county court judges; the home addresses, telephone numbers,  
4377 dates of birth, and places of employment of the spouses and  
4378 children of current or former justices and judges; and the names  
4379 and locations of schools and day care facilities attended by the  
4380 children of current or former justices and judges are exempt  
4381 from s. 119.07(1).

4382 d. The home addresses, telephone numbers, social security  
4383 numbers, dates of birth, and photographs of current or former  
4384 state attorneys, assistant state attorneys, statewide  
4385 prosecutors, or assistant statewide prosecutors; the home  
4386 addresses, telephone numbers, social security numbers,  
4387 photographs, dates of birth, and places of employment of the  
4388 spouses and children of current or former state attorneys,  
4389 assistant state attorneys, statewide prosecutors, or assistant  
4390 statewide prosecutors; and the names and locations of schools  
4391 and day care facilities attended by the children of current or





360216

4392 former state attorneys, assistant state attorneys, statewide  
4393 prosecutors, or assistant statewide prosecutors are exempt from  
4394 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

4395 e. The home addresses, dates of birth, and telephone  
4396 numbers of general magistrates, special magistrates, judges of  
4397 compensation claims, administrative law judges of the Division  
4398 of Administrative Hearings, and child support enforcement  
4399 hearing officers; the home addresses, telephone numbers, dates  
4400 of birth, and places of employment of the spouses and children  
4401 of general magistrates, special magistrates, judges of  
4402 compensation claims, administrative law judges of the Division  
4403 of Administrative Hearings, and child support enforcement  
4404 hearing officers; and the names and locations of schools and day  
4405 care facilities attended by the children of general magistrates,  
4406 special magistrates, judges of compensation claims,  
4407 administrative law judges of the Division of Administrative  
4408 Hearings, and child support enforcement hearing officers are  
4409 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4410 Constitution if the general magistrate, special magistrate,  
4411 judge of compensation claims, administrative law judge of the  
4412 Division of Administrative Hearings, or child support hearing  
4413 officer provides a written statement that the general  
4414 magistrate, special magistrate, judge of compensation claims,  
4415 administrative law judge of the Division of Administrative  
4416 Hearings, or child support hearing officer has made reasonable  
4417 efforts to protect such information from being accessible  
4418 through other means available to the public.

4419 f. The home addresses, telephone numbers, dates of birth,  
4420 and photographs of current or former human resource, labor



360216

4421 relations, or employee relations directors, assistant directors,  
4422 managers, or assistant managers of any local government agency  
4423 or water management district whose duties include hiring and  
4424 firing employees, labor contract negotiation, administration, or  
4425 other personnel-related duties; the names, home addresses,  
4426 telephone numbers, dates of birth, and places of employment of  
4427 the spouses and children of such personnel; and the names and  
4428 locations of schools and day care facilities attended by the  
4429 children of such personnel are exempt from s. 119.07(1) and s.  
4430 24(a), Art. I of the State Constitution.

4431 g. The home addresses, telephone numbers, dates of birth,  
4432 and photographs of current or former code enforcement officers;  
4433 the names, home addresses, telephone numbers, dates of birth,  
4434 and places of employment of the spouses and children of such  
4435 personnel; and the names and locations of schools and day care  
4436 facilities attended by the children of such personnel are exempt  
4437 from s. 119.07(1) and s. 24(a), Art. I of the State  
4438 Constitution.

4439 h. The home addresses, telephone numbers, places of  
4440 employment, dates of birth, and photographs of current or former  
4441 guardians ad litem, as defined in s. 39.820; the names, home  
4442 addresses, telephone numbers, dates of birth, and places of  
4443 employment of the spouses and children of such persons; and the  
4444 names and locations of schools and day care facilities attended  
4445 by the children of such persons are exempt from s. 119.07(1) and  
4446 s. 24(a), Art. I of the State Constitution, if the guardian ad  
4447 litem provides a written statement that the guardian ad litem  
4448 has made reasonable efforts to protect such information from  
4449 being accessible through other means available to the public.



360216

4450           i. The home addresses, telephone numbers, dates of birth,  
4451 and photographs of current or former juvenile probation  
4452 officers, juvenile probation supervisors, detention  
4453 superintendents, assistant detention superintendents, juvenile  
4454 justice detention officers I and II, juvenile justice detention  
4455 officer supervisors, juvenile justice residential officers,  
4456 juvenile justice residential officer supervisors I and II,  
4457 juvenile justice counselors, juvenile justice counselor  
4458 supervisors, human services counselor administrators, senior  
4459 human services counselor administrators, rehabilitation  
4460 therapists, and social services counselors of the Department of  
4461 Juvenile Justice; the names, home addresses, telephone numbers,  
4462 dates of birth, and places of employment of spouses and children  
4463 of such personnel; and the names and locations of schools and  
4464 day care facilities attended by the children of such personnel  
4465 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4466 Constitution.

4467           j. The home addresses, telephone numbers, dates of birth,  
4468 and photographs of current or former public defenders, assistant  
4469 public defenders, criminal conflict and civil regional counsel,  
4470 and assistant criminal conflict and civil regional counsel; the  
4471 home addresses, telephone numbers, dates of birth, and places of  
4472 employment of the spouses and children of such defenders or  
4473 counsel; and the names and locations of schools and day care  
4474 facilities attended by the children of such defenders or counsel  
4475 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4476 Constitution.

4477           k. The home addresses, telephone numbers, and photographs  
4478 of current or former investigators or inspectors of the



360216

4479 Department of Business and Professional Regulation; the names,  
4480 home addresses, telephone numbers, and places of employment of  
4481 the spouses and children of such current or former investigators  
4482 and inspectors; and the names and locations of schools and day  
4483 care facilities attended by the children of such current or  
4484 former investigators and inspectors are exempt from s. 119.07(1)  
4485 and s. 24(a), Art. I of the State Constitution if the  
4486 investigator or inspector has made reasonable efforts to protect  
4487 such information from being accessible through other means  
4488 available to the public. This sub-subparagraph is subject to the  
4489 Open Government Sunset Review Act in accordance with s. 119.15  
4490 and shall stand repealed on October 2, 2017, unless reviewed and  
4491 saved from repeal through reenactment by the Legislature.

4492 1. The home addresses and telephone numbers of county tax  
4493 collectors; the names, home addresses, telephone numbers, and  
4494 places of employment of the spouses and children of such tax  
4495 collectors; and the names and locations of schools and day care  
4496 facilities attended by the children of such tax collectors are  
4497 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4498 Constitution if the county tax collector has made reasonable  
4499 efforts to protect such information from being accessible  
4500 through other means available to the public. This sub-  
4501 subparagraph is subject to the Open Government Sunset Review Act  
4502 in accordance with s. 119.15 and shall stand repealed on October  
4503 2, 2017, unless reviewed and saved from repeal through  
4504 reenactment by the Legislature.

4505 3. An agency that is the custodian of the information  
4506 specified in subparagraph 2. and that is not the employer of the  
4507 officer, employee, justice, judge, or other person specified in



360216

4508 subparagraph 2. shall maintain the exempt status of that  
4509 information only if the officer, employee, justice, judge, other  
4510 person, or employing agency of the designated employee submits a  
4511 written request for maintenance of the exemption to the  
4512 custodial agency.

4513 4. The exemptions in this paragraph apply to information  
4514 held by an agency before, on, or after the effective date of the  
4515 exemption.

4516 5. This paragraph is subject to the Open Government Sunset  
4517 Review Act in accordance with s. 119.15, and shall stand  
4518 repealed on October 2, 2017, unless reviewed and saved from  
4519 repeal through reenactment by the Legislature.

4520 Section 123. Subsection (17) of section 120.80, Florida  
4521 Statutes, is amended to read:

4522 120.80 Exceptions and special requirements; agencies.—

4523 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply  
4524 to the adoption of amendments and the triennial update to the  
4525 Florida Fire Prevention Code expressly authorized by s. 633.202  
4526 ~~633.0215~~.

4527 Section 124. Subsection (3) and paragraph (a) of subsection  
4528 (6) of section 121.0515, Florida Statutes, are amended to read:

4529 121.0515 Special Risk Class.—

4530 (3) CRITERIA.—A member, to be designated as a special risk  
4531 member, must meet the following criteria:

4532 (a) Effective October 1, 1978, the member must be employed  
4533 as a law enforcement officer and be certified, or required to be  
4534 certified, in compliance with s. 943.1395; however, sheriffs and  
4535 elected police chiefs are excluded from meeting the  
4536 certification requirements of this paragraph. In addition, the



360216

4537 member's duties and responsibilities must include the pursuit,  
4538 apprehension, and arrest of law violators or suspected law  
4539 violators; or as of July 1, 1982, the member must be an active  
4540 member of a bomb disposal unit whose primary responsibility is  
4541 the location, handling, and disposal of explosive devices; or  
4542 the member must be the supervisor or command officer of a member  
4543 or members who have such responsibilities. Administrative  
4544 support personnel, including, but not limited to, those whose  
4545 primary duties and responsibilities are in accounting,  
4546 purchasing, legal, and personnel, are not included;

4547 (b) Effective October 1, 1978, the member must be employed  
4548 as a firefighter and be certified, or required to be certified,  
4549 in compliance with s. 633.408 ~~633.35~~ and be employed solely  
4550 within the fire department of a local government employer or an  
4551 agency of state government with firefighting responsibilities.  
4552 In addition, the member's duties and responsibilities must  
4553 include on-the-scene fighting of fires; as of October 1, 2001,  
4554 fire prevention or firefighter training; as of October 1, 2001,  
4555 direct supervision of firefighting units, fire prevention, or  
4556 firefighter training; or as of July 1, 2001, aerial firefighting  
4557 surveillance performed by fixed-wing aircraft pilots employed by  
4558 the Florida Forest Service of the Department of Agriculture and  
4559 Consumer Services; or the member must be the supervisor or  
4560 command officer of a member or members who have such  
4561 responsibilities. Administrative support personnel, including,  
4562 but not limited to, those whose primary duties and  
4563 responsibilities are in accounting, purchasing, legal, and  
4564 personnel, are not included. All periods of creditable service  
4565 in fire prevention or firefighter training, or as the supervisor



360216

4566 or command officer of a member or members who have such  
4567 responsibilities, and for which the employer paid the special  
4568 risk contribution rate, are included;

4569 (c) Effective October 1, 1978, the member must be employed  
4570 as a correctional officer and be certified, or required to be  
4571 certified, in compliance with s. 943.1395. In addition, the  
4572 member's primary duties and responsibilities must be the  
4573 custody, and physical restraint when necessary, of prisoners or  
4574 inmates within a prison, jail, or other criminal detention  
4575 facility, or while on work detail outside the facility, or while  
4576 being transported; or as of July 1, 1984, the member must be the  
4577 supervisor or command officer of a member or members who have  
4578 such responsibilities. Administrative support personnel,  
4579 including, but not limited to, those whose primary duties and  
4580 responsibilities are in accounting, purchasing, legal, and  
4581 personnel, are not included; however, wardens and assistant  
4582 wardens, as defined by rule, are included;

4583 (d) Effective October 1, 1999, the member must be employed  
4584 by a licensed Advance Life Support (ALS) or Basic Life Support  
4585 (BLS) employer as an emergency medical technician or a paramedic  
4586 and be certified in compliance with s. 401.27. In addition, the  
4587 member's primary duties and responsibilities must include on-  
4588 the-scene emergency medical care or as of October 1, 2001,  
4589 direct supervision of emergency medical technicians or  
4590 paramedics, or the member must be the supervisor or command  
4591 officer of one or more members who have such responsibility.  
4592 Administrative support personnel, including, but not limited to,  
4593 those whose primary responsibilities are in accounting,  
4594 purchasing, legal, and personnel, are not included;



360216

4595           (e) Effective January 1, 2001, the member must be employed  
4596 as a community-based correctional probation officer and be  
4597 certified, or required to be certified, in compliance with s.  
4598 943.1395. In addition, the member's primary duties and  
4599 responsibilities must be the supervised custody, surveillance,  
4600 control, investigation, and counseling of assigned inmates,  
4601 probationers, parolees, or community controllees within the  
4602 community; or the member must be the supervisor of a member or  
4603 members who have such responsibilities. Administrative support  
4604 personnel, including, but not limited to, those whose primary  
4605 duties and responsibilities are in accounting, purchasing, legal  
4606 services, and personnel management, are not included; however,  
4607 probation and parole circuit and deputy circuit administrators  
4608 are included;

4609           (f) Effective January 1, 2001, the member must be employed  
4610 in one of the following classes and must spend at least 75  
4611 percent of his or her time performing duties which involve  
4612 contact with patients or inmates in a correctional or forensic  
4613 facility or institution:

- 4614           1. Dietitian (class codes 5203 and 5204);
- 4615           2. Public health nutrition consultant (class code 5224);
- 4616           3. Psychological specialist (class codes 5230 and 5231);
- 4617           4. Psychologist (class code 5234);
- 4618           5. Senior psychologist (class codes 5237 and 5238);
- 4619           6. Regional mental health consultant (class code 5240);
- 4620           7. Psychological Services Director—DCF (class code 5242);
- 4621           8. Pharmacist (class codes 5245 and 5246);
- 4622           9. Senior pharmacist (class codes 5248 and 5249);
- 4623           10. Dentist (class code 5266);





360216

- 4624 11. Senior dentist (class code 5269);  
4625 12. Registered nurse (class codes 5290 and 5291);  
4626 13. Senior registered nurse (class codes 5292 and 5293);  
4627 14. Registered nurse specialist (class codes 5294 and  
4628 5295);  
4629 15. Clinical associate (class codes 5298 and 5299);  
4630 16. Advanced registered nurse practitioner (class codes  
4631 5297 and 5300);  
4632 17. Advanced registered nurse practitioner specialist  
4633 (class codes 5304 and 5305);  
4634 18. Registered nurse supervisor (class codes 5306 and  
4635 5307);  
4636 19. Senior registered nurse supervisor (class codes 5308  
4637 and 5309);  
4638 20. Registered nursing consultant (class codes 5312 and  
4639 5313);  
4640 21. Quality management program supervisor (class code  
4641 5314);  
4642 22. Executive nursing director (class codes 5320 and 5321);  
4643 23. Speech and hearing therapist (class code 5406); or  
4644 24. Pharmacy manager (class code 5251);  
4645 (g) Effective July 1, 2001, the member must be employed as  
4646 a youth custody officer and be certified, or required to be  
4647 certified, in compliance with s. 943.1395. In addition, the  
4648 member's primary duties and responsibilities must be the  
4649 supervised custody, surveillance, control, investigation,  
4650 apprehension, arrest, and counseling of assigned juveniles  
4651 within the community;  
4652 (h) Effective October 1, 2005, through June 30, 2008, the



360216

4653 member must be employed by a law enforcement agency or medical  
4654 examiner's office in a forensic discipline recognized by the  
4655 International Association for Identification and must qualify  
4656 for active membership in the International Association for  
4657 Identification. The member's primary duties and responsibilities  
4658 must include the collection, examination, preservation,  
4659 documentation, preparation, or analysis of physical evidence or  
4660 testimony, or both, or the member must be the direct supervisor,  
4661 quality management supervisor, or command officer of one or more  
4662 individuals with such responsibility. Administrative support  
4663 personnel, including, but not limited to, those whose primary  
4664 responsibilities are clerical or in accounting, purchasing,  
4665 legal, and personnel, are not included;

4666 (i) Effective July 1, 2008, the member must be employed by  
4667 the Department of Law Enforcement in the crime laboratory or by  
4668 the Division of State Fire Marshal in the forensic laboratory in  
4669 one of the following classes:

- 4670 1. Forensic technologist (class code 8459);  
4671 2. Crime laboratory technician (class code 8461);  
4672 3. Crime laboratory analyst (class code 8463);  
4673 4. Senior crime laboratory analyst (class code 8464);  
4674 5. Crime laboratory analyst supervisor (class code 8466);  
4675 6. Forensic chief (class code 9602); or  
4676 7. Forensic services quality manager (class code 9603);

4677 (j) Effective July 1, 2008, the member must be employed by  
4678 a local government law enforcement agency or medical examiner's  
4679 office and must spend at least 65 percent of his or her time  
4680 performing duties that involve the collection, examination,  
4681 preservation, documentation, preparation, or analysis of human



360216

4682 tissues or fluids or physical evidence having potential  
4683 biological, chemical, or radiological hazard or contamination,  
4684 or use chemicals, processes, or materials that may have  
4685 carcinogenic or health-damaging properties in the analysis of  
4686 such evidence, or the member must be the direct supervisor of  
4687 one or more individuals having such responsibility. If a special  
4688 risk member changes to another position within the same agency,  
4689 he or she must submit a complete application as provided in  
4690 paragraph (4) (a); or

4691 (k) The member must have already qualified for and be  
4692 actively participating in special risk membership under  
4693 paragraph (a), paragraph (b), or paragraph (c), must have  
4694 suffered a qualifying injury as defined in this paragraph, must  
4695 not be receiving disability retirement benefits as provided in  
4696 s. 121.091(4), and must satisfy the requirements of this  
4697 paragraph.

4698 1. The ability to qualify for the class of membership  
4699 defined in paragraph (2) (i) occurs when two licensed medical  
4700 physicians, one of whom is a primary treating physician of the  
4701 member, certify the existence of the physical injury and medical  
4702 condition that constitute a qualifying injury as defined in this  
4703 paragraph and that the member has reached maximum medical  
4704 improvement after August 1, 2008. The certifications from the  
4705 licensed medical physicians must include, at a minimum, that the  
4706 injury to the special risk member has resulted in a physical  
4707 loss, or loss of use, of at least two of the following: left  
4708 arm, right arm, left leg, or right leg; and:

4709 a. That this physical loss or loss of use is total and  
4710 permanent, except if ~~in the event that~~ the loss of use is due to



360216

4711 a physical injury to the member's brain, in which event the loss  
4712 of use is permanent with at least 75 percent loss of motor  
4713 function with respect to each arm or leg affected.

4714 b. That this physical loss or loss of use renders the  
4715 member physically unable to perform the essential job functions  
4716 of his or her special risk position.

4717 c. That, notwithstanding this physical loss or loss of use,  
4718 the individual can ~~is able to~~ perform the essential job  
4719 functions required by the member's new position, as provided in  
4720 subparagraph 3.

4721 d. That use of artificial limbs is ~~either~~ not possible or  
4722 does not alter the member's ability to perform the essential job  
4723 functions of the member's position.

4724 e. That the physical loss or loss of use is a direct result  
4725 of a physical injury and not a result of any mental,  
4726 psychological, or emotional injury.

4727 2. For the purposes of this paragraph, "qualifying injury"  
4728 means an injury sustained in the line of duty, as certified by  
4729 the member's employing agency, by a special risk member that  
4730 does not result in total and permanent disability as defined in  
4731 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
4732 is a physical injury to the member's physical body resulting in  
4733 a physical loss, or loss of use, of at least two of the  
4734 following: left arm, right arm, left leg, or right leg.  
4735 Notwithstanding any other provision of this section, an injury  
4736 that would otherwise qualify as a qualifying injury is not  
4737 considered a qualifying injury if and when the member ceases  
4738 employment with the employer for whom he or she was providing  
4739 special risk services on the date the injury occurred.



360216

4740           3. The new position, as described in sub-subparagraph 1.c.,  
4741 that is required for qualification as a special risk member  
4742 under this paragraph is not required to be a position with  
4743 essential job functions that entitle an individual to special  
4744 risk membership. Whether a new position as described in sub-  
4745 subparagraph 1.c. exists and is available to the special risk  
4746 member is a decision to be made solely by the employer in  
4747 accordance with its hiring practices and applicable law.

4748           4. This paragraph does not grant or create additional  
4749 rights for any individual to continued employment or to be hired  
4750 or rehired by his or her employer that are not already provided  
4751 within the Florida Statutes, the State Constitution, the  
4752 Americans with Disabilities Act, if applicable, or any other  
4753 applicable state or federal law.

4754           (6) CREDIT FOR PAST SERVICE.—A special risk member may  
4755 purchase retirement credit in the Special Risk Class based upon  
4756 past service, and may upgrade retirement credit for such past  
4757 service, to the extent of 2 percent of the member's average  
4758 monthly compensation as specified in s. 121.091(1)(a) for such  
4759 service as follows:

4760           (a) The member may purchase special risk credit for past  
4761 service with a municipality or special district which has  
4762 elected to join the Florida Retirement System, or with a  
4763 participating agency to which a member's governmental unit was  
4764 transferred, merged, or consolidated as provided in s.  
4765 121.081(1)(f), if the member was employed with the municipality  
4766 or special district when ~~at the time~~ it commenced participating  
4767 in the Florida Retirement System or with the governmental unit  
4768 at the time of its transfer, merger, or consolidation with the



360216

4769 participating agency. The service must satisfy the criteria set  
4770 forth in subsection (3) for Special Risk Class membership as a  
4771 law enforcement officer, firefighter, or correctional officer;  
4772 however, a certificate or waiver of certificate of compliance  
4773 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such  
4774 service.

4775 Section 125. Paragraph (d) of subsection (1) of section  
4776 125.01, Florida Statutes, is amended to read:

4777 125.01 Powers and duties.—

4778 (1) The legislative and governing body of a county shall  
4779 have the power to carry on county government. To the extent not  
4780 inconsistent with general or special law, this power includes,  
4781 but is not restricted to, the power to:

4782 (d) Provide fire protection, including the enforcement of  
4783 the Florida Fire Prevention Code, as provided in ss. 633.206  
4784 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local  
4785 technical amendments to the Florida Fire Prevention Code as  
4786 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

4787 Section 126. Subsection (2) of section 125.01045, Florida  
4788 Statutes, is amended to read:

4789 125.01045 Prohibition of fees for first responder  
4790 services.—

4791 (2) As used in this section, the term "first responder"  
4792 means a law enforcement officer as defined in s. 943.10, a  
4793 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
4794 medical technician or paramedic as defined in s. 401.23 who is  
4795 employed by the state or a local government. A volunteer law  
4796 enforcement officer, firefighter, or emergency medical  
4797 technician or paramedic engaged by the state or a local



360216

4798 government is also considered a first responder of the state or  
4799 local government for purposes of this section.

4800 Section 127. Subsection (1) of section 125.56, Florida  
4801 Statutes, is amended to read:

4802 125.56 Enforcement and amendment of the Florida Building  
4803 Code and the Florida Fire Prevention Code; inspection fees;  
4804 inspectors; etc.-

4805 (1) The board of county commissioners of each of the  
4806 several counties of the state may ~~is authorized to~~ enforce the  
4807 Florida Building Code and the Florida Fire Prevention Code, as  
4808 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,  
4809 and, at its discretion, to adopt local technical amendments to  
4810 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)  
4811 and local technical amendments to the Florida Fire Prevention  
4812 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe  
4813 construction, erection, alteration, repair, securing, and  
4814 demolition of any building within its territory outside the  
4815 corporate limits of any municipality. Upon a determination to  
4816 consider amending the Florida Building Code or the Florida Fire  
4817 Prevention Code by a majority of the members of the board of  
4818 county commissioners of such county, the board shall call a  
4819 public hearing and comply with the public notice requirements of  
4820 s. 125.66(2). The board shall hear all interested parties at the  
4821 public hearing and may then amend the building code or the fire  
4822 code consistent with the terms and purposes of this act. Upon  
4823 adoption, an amendment to the code shall be in full force and  
4824 effect throughout the unincorporated area of such county until  
4825 otherwise notified by the Florida Building Commission pursuant  
4826 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202



360216

4827 ~~633.0215~~. Nothing herein contained shall be construed to prevent  
4828 the board of county commissioners from repealing such amendment  
4829 to the building code or the fire code at any regular meeting of  
4830 such board.

4831 Section 128. Subsection (2) of section 166.0446, Florida  
4832 Statutes, is amended to read:

4833 166.0446 Prohibition of fees for first responder services.-

4834 (2) As used in this section, the term "first responder"  
4835 means a law enforcement officer as defined in s. 943.10, a  
4836 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
4837 medical technician or paramedic as defined in s. 401.23 who is  
4838 employed by the state or a local government. A volunteer law  
4839 enforcement officer, firefighter, or emergency medical  
4840 technician or paramedic engaged by the state or a local  
4841 government is also considered a first responder of the state or  
4842 local government for purposes of this section.

4843 Section 129. Paragraph (a) of subsection (8) of section  
4844 175.032, Florida Statutes, is amended to read:

4845 175.032 Definitions.-For any municipality, special fire  
4846 control district, chapter plan, local law municipality, local  
4847 law special fire control district, or local law plan under this  
4848 chapter, the following words and phrases have the following  
4849 meanings:

4850 (8) (a) "Firefighter" means a ~~any~~ person employed solely by  
4851 a constituted fire department of any municipality or special  
4852 fire control district who is certified as a firefighter as a  
4853 condition of employment in accordance with s. 633.408 ~~633.35~~ and  
4854 whose duty it is to extinguish fires, to protect life, or to  
4855 protect property. The term includes all certified, supervisory,





360216

4856 and command personnel whose duties include, in whole or in part,  
4857 the supervision, training, guidance, and management  
4858 responsibilities of full-time firefighters, part-time  
4859 firefighters, or auxiliary firefighters but does not include  
4860 part-time firefighters or auxiliary firefighters. However, for  
4861 purposes of this chapter only, the term also includes public  
4862 safety officers who are responsible for performing both police  
4863 and fire services, who are certified as police officers or  
4864 firefighters, and who are certified by their employers to the  
4865 Chief Financial Officer as participating in this chapter before  
4866 October 1, 1979. Effective October 1, 1979, public safety  
4867 officers who have not been certified as participating in this  
4868 chapter are considered police officers for retirement purposes  
4869 and are eligible to participate in chapter 185. Any plan may  
4870 provide that the fire chief has an option to participate, or  
4871 not, in that plan.

4872 Section 130. Subsection (3) of section 175.121, Florida  
4873 Statutes, is amended to read:

4874 175.121 Department of Revenue and Division of Retirement to  
4875 keep accounts of deposits; disbursements.—For any municipality  
4876 or special fire control district having a chapter or local law  
4877 plan established pursuant to this chapter:

4878 (3) (a) All moneys not distributed to municipalities and  
4879 special fire control districts under this section as a result of  
4880 the limitation on disbursement contained in s. 175.122, or as a  
4881 result of any municipality or special fire control district not  
4882 having qualified in any given year, or portion thereof, shall be  
4883 transferred to the Firefighters' Supplemental Compensation Trust  
4884 Fund administered by the Department of Revenue, as provided in



360216

4885 s. 633.422 ~~633.382~~.

4886 (b)1. Moneys transferred under paragraph (a) but not needed  
4887 to support the supplemental compensation program in a given year  
4888 shall be redistributed pro rata to those participating  
4889 municipalities and special fire control districts that transfer  
4890 any portion of their funds to support the supplemental  
4891 compensation program in that year. Such additional moneys shall  
4892 be used to cover or offset costs of the retirement plan.

4893 2. To assist the Department of Revenue, the division shall  
4894 identify those municipalities and special fire control districts  
4895 that are eligible for redistribution as provided in s.  
4896 633.422 (3) (c) 2. ~~633.382 (4) (c) 2.~~, by listing the municipalities  
4897 and special fire control districts from which funds were  
4898 transferred under paragraph (a) and specifying the amount  
4899 transferred by each.

4900 Section 131. Paragraph (e) of subsection (1) of section  
4901 218.23, Florida Statutes, is amended to read:

4902 218.23 Revenue sharing with units of local government.—

4903 (1) To be eligible to participate in revenue sharing beyond  
4904 the minimum entitlement in any fiscal year, a unit of local  
4905 government is required to have:

4906 (e) Certified that persons in its employ as firefighters,  
4907 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for  
4908 employment as established by the Division of State Fire Marshal  
4909 pursuant to ~~the provisions of~~ ss. 633.412 ~~633.34~~ and 633.408  
4910 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 ~~has~~ ~~633.382~~ ~~have~~  
4911 been met.

4912  
4913 Additionally, to receive its share of revenue sharing funds, a



360216

4914 unit of local government shall certify to the Department of  
4915 Revenue that the requirements of s. 200.065, if applicable, were  
4916 met. The certification shall be made annually within 30 days of  
4917 adoption of an ordinance or resolution establishing a final  
4918 property tax levy or, if no property tax is levied, not later  
4919 than November 1. The portion of revenue sharing funds which,  
4920 pursuant to this part, would otherwise be distributed to a unit  
4921 of local government which has not certified compliance or has  
4922 otherwise failed to meet the requirements of s. 200.065 shall be  
4923 deposited in the General Revenue Fund for the 12 months  
4924 following a determination of noncompliance by the department.

4925 Section 132. Paragraph (a) of subsection (3) of section  
4926 252.515, Florida Statutes, is amended to read:

4927 252.515 Postdisaster Relief Assistance Act; immunity from  
4928 civil liability.—

4929 (3) As used in this section, the term:

4930 (a) "Emergency first responder" means:

4931 1. A physician licensed under chapter 458.

4932 2. An osteopathic physician licensed under chapter 459.

4933 3. A chiropractic physician licensed under chapter 460.

4934 4. A podiatric physician licensed under chapter 461.

4935 5. A dentist licensed under chapter 466.

4936 6. An advanced registered nurse practitioner certified  
4937 under s. 464.012.

4938 7. A physician assistant licensed under s. 458.347 or s.  
4939 459.022.

4940 8. A worker employed by a public or private hospital in the  
4941 state.

4942 9. A paramedic as defined in s. 401.23(17).



360216

4943           10. An emergency medical technician as defined in s.  
4944 401.23(11).  
4945           11. A firefighter as defined in s. 633.102 ~~633.30~~.  
4946           12. A law enforcement officer as defined in s. 943.10.  
4947           13. A member of the Florida National Guard.  
4948           14. Any other personnel designated as emergency personnel  
4949 by the Governor pursuant to a declared emergency.  
4950           Section 133. Section 255.45, Florida Statutes, is amended  
4951 to read:  
4952           255.45 Correction of firesafety violations in certain  
4953 state-owned property.—The Department of Management Services is  
4954 responsible for ensuring that firesafety violations that are  
4955 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~  
4956 are corrected as soon as practicable for all state-owned  
4957 property which is leased from the Department of Management  
4958 Services.  
4959           Section 134. Subsection (4) of section 258.0145, Florida  
4960 Statutes, is amended to read:  
4961           258.0145 Military state park fee discounts.—The Division of  
4962 Recreation and Parks shall provide the following discounts on  
4963 park fees to persons who present written documentation  
4964 satisfactory to the division which evidences their eligibility  
4965 for the discounts:  
4966           (4) The surviving spouse and parents of a law enforcement  
4967 officer, as defined in s. 943.10(1), or a firefighter, as  
4968 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of  
4969 duty shall receive lifetime family annual entrance passes at no  
4970 charge.  
4971           Section 135. Subsection (1) of section 281.02, Florida



360216

4972 Statutes, is amended to read:

4973       281.02 Powers and duties of the Department of Management  
4974 Services with respect to firesafety and security.—The Department  
4975 of Management Services has the following powers and duties with  
4976 respect to firesafety and security:

4977       (1) To assist the State Fire Marshal in maintaining the  
4978 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

4979       Section 136. Subsection (1) of section 384.287, Florida  
4980 Statutes, is amended to read:

4981       384.287 Screening for sexually transmissible disease.—

4982       (1) An officer as defined in s. 943.10(14); support  
4983 personnel as defined in s. 943.10(11) who are employed by the  
4984 Department of Law Enforcement, including, but not limited to,  
4985 any crime scene analyst, forensic technologist, or crime lab  
4986 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or  
4987 ambulance driver, paramedic, or emergency medical technician as  
4988 defined in s. 401.23, acting within the scope of employment, who  
4989 comes into contact with a person in such a way that significant  
4990 exposure, as defined in s. 381.004, has occurred may request  
4991 that the person be screened for a sexually transmissible disease  
4992 that can be transmitted through a significant exposure.

4993       Section 137. Paragraph (a) of subsection (1) of section  
4994 395.0163, Florida Statutes, is amended to read:

4995       395.0163 Construction inspections; plan submission and  
4996 approval; fees.—

4997       (1) (a) The design, construction, erection, alteration,  
4998 modification, repair, and demolition of all public and private  
4999 health care facilities are governed by the Florida Building Code  
5000 and the Florida Fire Prevention Code under ss. 553.73 and



360216

5001 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79  
5002 and 553.80, the agency shall review facility plans and survey  
5003 the construction of any facility licensed under this chapter.  
5004 The agency shall make, or cause to be made, such construction  
5005 inspections and investigations as it deems necessary. The agency  
5006 may prescribe by rule that any licensee or applicant desiring to  
5007 make specified types of alterations or additions to its  
5008 facilities or to construct new facilities shall, before  
5009 commencing such alteration, addition, or new construction,  
5010 submit plans and specifications therefor to the agency for  
5011 preliminary inspection and approval or recommendation with  
5012 respect to compliance with applicable provisions of the Florida  
5013 Building Code or agency rules and standards. The agency shall  
5014 approve or disapprove the plans and specifications within 60  
5015 days after receipt of the fee for review of plans as required in  
5016 subsection (2). The agency may be granted one 15-day extension  
5017 for the review period if the director of the agency approves the  
5018 extension. If the agency fails to act within the specified time,  
5019 it shall be deemed to have approved the plans and  
5020 specifications. When the agency disapproves plans and  
5021 specifications, it shall set forth in writing the reasons for  
5022 its disapproval. Conferences and consultations may be provided  
5023 as necessary.

5024 Section 138. Section 400.232, Florida Statutes, is amended  
5025 to read:

5026 400.232 Review and approval of plans; fees and costs.—The  
5027 design, construction, erection, alteration, modification,  
5028 repair, and demolition of all public and private health care  
5029 facilities are governed by the Florida Building Code and the



360216

5030 Florida Fire Prevention Code under ss. 553.73 and 633.206  
5031 ~~633.022~~. In addition to the requirements of ss. 553.79 and  
5032 553.80, the agency shall review the facility plans and survey  
5033 the construction of facilities licensed under this chapter.

5034 (1) The agency shall approve or disapprove the plans and  
5035 specifications within 60 days after receipt of the final plans  
5036 and specifications. The agency may be granted one 15-day  
5037 extension for the review period, if the director of the agency  
5038 so approves. If the agency fails to act within the specified  
5039 time, it shall be deemed to have approved the plans and  
5040 specifications. When the agency disapproves plans and  
5041 specifications, it shall set forth in writing the reasons for  
5042 disapproval. Conferences and consultations may be provided as  
5043 necessary.

5044 (2) The agency may ~~is authorized to~~ charge an initial fee  
5045 of \$2,000 for review of plans and construction on all projects,  
5046 no part of which is refundable. The agency may also collect a  
5047 fee, not to exceed 1 percent of the estimated construction cost  
5048 or the actual cost of review, whichever is less, for the portion  
5049 of the review which encompasses initial review through the  
5050 initial revised construction document review. The agency is  
5051 further authorized to collect its actual costs on all subsequent  
5052 portions of the review and construction inspections. Initial fee  
5053 payment shall accompany the initial submission of plans and  
5054 specifications. Any subsequent payment that is due is payable  
5055 upon receipt of the invoice from the agency. Notwithstanding any  
5056 other ~~provisions of~~ law to the contrary, all money received by  
5057 the agency pursuant to ~~the provisions of~~ this section shall be  
5058 ~~deemed to be~~ trust funds, to be held and applied solely for the



360216

5059 operations required under this section.

5060 Section 139. Section 400.915, Florida Statutes, is amended  
5061 to read:

5062 400.915 Construction and renovation; requirements.—The  
5063 requirements for the construction or renovation of a PPEC center  
5064 shall comply with:

5065 (1) The provisions of chapter 553, which pertain to  
5066 building construction standards, including plumbing, electrical  
5067 code, glass, manufactured buildings, accessibility for the  
5068 physically disabled;

5069 (2) Section 633.206 ~~The provisions of s. 633.022~~ and  
5070 applicable rules pertaining to physical standards for  
5071 nonresidential child care facilities; and

5072 (3) The standards or rules adopted pursuant to this part  
5073 and part II of chapter 408.

5074 Section 140. Paragraph (a) of subsection (1) of section  
5075 429.41, Florida Statutes, is amended to read:

5076 429.41 Rules establishing standards.—

5077 (1) It is the intent of the Legislature that rules  
5078 published and enforced pursuant to this section shall include  
5079 criteria by which a reasonable and consistent quality of  
5080 resident care and quality of life may be ensured and the results  
5081 of such resident care may be demonstrated. Such rules shall also  
5082 ensure a safe and sanitary environment that is residential and  
5083 noninstitutional in design or nature. It is further intended  
5084 that reasonable efforts be made to accommodate the needs and  
5085 preferences of residents to enhance the quality of life in a  
5086 facility. The agency, in consultation with the department, may  
5087 adopt rules to administer the requirements of part II of chapter





360216

5088 408. In order to provide safe and sanitary facilities and the  
5089 highest quality of resident care accommodating the needs and  
5090 preferences of residents, the department, in consultation with  
5091 the agency, the Department of Children and Family Services, and  
5092 the Department of Health, shall adopt rules, policies, and  
5093 procedures to administer this part, which must include  
5094 reasonable and fair minimum standards in relation to:

5095 (a) The requirements for and maintenance of facilities, not  
5096 in conflict with ~~the provisions of~~ chapter 553, relating to  
5097 plumbing, heating, cooling, lighting, ventilation, living space,  
5098 and other housing conditions, which will ensure the health,  
5099 safety, and comfort of residents and protection from fire  
5100 hazard, including adequate provisions for fire alarm and other  
5101 fire protection suitable to the size of the structure. Uniform  
5102 firesafety standards shall be established and enforced by the  
5103 State Fire Marshal in cooperation with the agency, the  
5104 department, and the Department of Health.

5105 1. Evacuation capability determination.—

5106 a. The ~~provisions of the~~ National Fire Protection  
5107 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used  
5108 for determining the ability of the residents, with or without  
5109 staff assistance, to relocate from or within a licensed facility  
5110 to a point of safety as provided in the fire codes adopted  
5111 herein. An evacuation capability evaluation for initial  
5112 licensure shall be conducted within 6 months after the date of  
5113 licensure. For existing licensed facilities that are not  
5114 equipped with an automatic fire sprinkler system, the  
5115 administrator shall evaluate the evacuation capability of  
5116 residents at least annually. The evacuation capability



360216

5117 evaluation for each facility not equipped with an automatic fire  
5118 sprinkler system shall be validated, without liability, by the  
5119 State Fire Marshal, by the local fire marshal, or by the local  
5120 authority having jurisdiction over firesafety, before the  
5121 license renewal date. If the State Fire Marshal, local fire  
5122 marshal, or local authority having jurisdiction over firesafety  
5123 has reason to believe that the evacuation capability of a  
5124 facility as reported by the administrator may have changed, it  
5125 may, with assistance from the facility administrator, reevaluate  
5126 the evacuation capability through timed exiting drills.

5127 Translation of timed fire exiting drills to evacuation  
5128 capability may be determined:

5129 (I) Three minutes or less: prompt.

5130 (II) More than 3 minutes, but not more than 13 minutes:  
5131 slow.

5132 (III) More than 13 minutes: impractical.

5133 b. The Office of the State Fire Marshal shall provide or  
5134 cause the provision of training and education on the proper  
5135 application of Chapter 5, NFPA 101A, 1995 edition, to its  
5136 employees, to staff of the Agency for Health Care Administration  
5137 who are responsible for regulating facilities under this part,  
5138 and to local governmental inspectors. The Office of the State  
5139 Fire Marshal shall provide or cause the provision of this  
5140 training within its existing budget, but may charge a fee for  
5141 this training to offset its costs. The initial training must be  
5142 delivered within 6 months after July 1, 1995, and as needed  
5143 thereafter.

5144 c. The Office of the State Fire Marshal, in cooperation  
5145 with provider associations, shall provide or cause the provision



360216

5146 of a training program designed to inform facility operators on  
5147 how to properly review bid documents relating to the  
5148 installation of automatic fire sprinklers. The Office of the  
5149 State Fire Marshal shall provide or cause the provision of this  
5150 training within its existing budget, but may charge a fee for  
5151 this training to offset its costs. The initial training must be  
5152 delivered within 6 months after July 1, 1995, and as needed  
5153 thereafter.

5154 d. The administrator of a licensed facility shall sign an  
5155 affidavit verifying the number of residents occupying the  
5156 facility at the time of the evacuation capability evaluation.

5157 2. Firesafety requirements.-

5158 a. Except for the special applications provided herein,  
5159 effective January 1, 1996, the ~~provisions of the~~ National Fire  
5160 Protection Association, Life Safety Code, NFPA 101, 1994  
5161 edition, Chapter 22 for new facilities and Chapter 23 for  
5162 existing facilities shall be the uniform fire code applied by  
5163 the State Fire Marshal for assisted living facilities, pursuant  
5164 to s. 633.206 ~~633.022~~.

5165 b. Any new facility, regardless of size, that applies for a  
5166 license on or after January 1, 1996, must be equipped with an  
5167 automatic fire sprinkler system. The exceptions as provided in  
5168 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
5169 to any new facility housing eight or fewer residents. On July 1,  
5170 1995, local governmental entities responsible for the issuance  
5171 of permits for construction shall inform, without liability, any  
5172 facility whose permit for construction is obtained before ~~prior~~  
5173 ~~to~~ January 1, 1996, of this automatic fire sprinkler  
5174 requirement. As used in this part, the term "a new facility"



360216

5175 does not mean an existing facility that has undergone change of  
5176 ownership.

5177 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or  
5178 of the National Fire Protection Association, NFPA 101A, Chapter  
5179 5, 1995 edition, to the contrary, any existing facility housing  
5180 eight or fewer residents is not required to install an automatic  
5181 fire sprinkler system, nor to comply with any other requirement  
5182 in Chapter 23, NFPA 101, 1994 edition, that exceeds the  
5183 firesafety requirements of NFPA 101, 1988 edition, that applies  
5184 to this size facility, unless the facility has been classified  
5185 as impractical to evacuate. Any existing facility housing eight  
5186 or fewer residents that is classified as impractical to evacuate  
5187 must install an automatic fire sprinkler system within the  
5188 timeframes granted in this section.

5189 d. Any existing facility that is required to install an  
5190 automatic fire sprinkler system under this paragraph need not  
5191 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
5192 edition, which exceed the provisions of NFPA 101, 1988 edition.  
5193 The mandate contained in this paragraph which requires certain  
5194 facilities to install an automatic fire sprinkler system  
5195 supersedes any other requirement.

5196 e. This paragraph does not supersede the exceptions granted  
5197 in NFPA 101, 1988 edition or 1994 edition.

5198 f. This paragraph does not exempt facilities from other  
5199 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local  
5200 building code requirements in effect before July 1, 1995.

5201 g. A local government may charge fees only in an amount not  
5202 to exceed the actual expenses incurred by local government  
5203 relating to the installation and maintenance of an automatic



360216

5204 fire sprinkler system in an existing and properly licensed  
5205 assisted living facility structure as of January 1, 1996.

5206 h. If a licensed facility undergoes major reconstruction or  
5207 addition to an existing building on or after January 1, 1996,  
5208 the entire building must be equipped with an automatic fire  
5209 sprinkler system. Major reconstruction of a building means  
5210 repair or restoration that costs in excess of 50 percent of the  
5211 value of the building as reported on the tax rolls, excluding  
5212 land, before reconstruction. Multiple reconstruction projects  
5213 within a 5-year period the total costs of which exceed 50  
5214 percent of the initial value of the building when ~~at the time~~  
5215 the first reconstruction project was permitted are to be  
5216 considered as major reconstruction. Application for a permit for  
5217 an automatic fire sprinkler system is required upon application  
5218 for a permit for a reconstruction project that creates costs  
5219 that go over the 50-percent threshold.

5220 i. Any facility licensed before January 1, 1996, that is  
5221 required to install an automatic fire sprinkler system shall  
5222 ensure that the installation is completed within the following  
5223 timeframes based upon evacuation capability of the facility as  
5224 determined under subparagraph 1.:

- 5225 (I) Impractical evacuation capability, 24 months.
- 5226 (II) Slow evacuation capability, 48 months.
- 5227 (III) Prompt evacuation capability, 60 months.

5228  
5229 The beginning date from which the deadline for the automatic  
5230 fire sprinkler installation requirement must be calculated is  
5231 upon receipt of written notice from the local fire official that  
5232 an automatic fire sprinkler system must be installed. The local



360216

5233 fire official shall send a copy of the document indicating the  
5234 requirement of a fire sprinkler system to the Agency for Health  
5235 Care Administration.

5236 j. It is recognized that the installation of an automatic  
5237 fire sprinkler system may create financial hardship for some  
5238 facilities. The appropriate local fire official shall, without  
5239 liability, grant two 1-year extensions to the timeframes for  
5240 installation established herein, if an automatic fire sprinkler  
5241 installation cost estimate and proof of denial from two  
5242 financial institutions for a construction loan to install the  
5243 automatic fire sprinkler system are submitted. However, for any  
5244 facility with a class I or class II, or a history of uncorrected  
5245 class III, firesafety deficiencies, an extension must not be  
5246 granted. The local fire official shall send a copy of the  
5247 document granting the time extension to the Agency for Health  
5248 Care Administration.

5249 k. A facility owner whose facility is required to be  
5250 equipped with an automatic fire sprinkler system under Chapter  
5251 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
5252 any potential buyer of the facility that an installation of an  
5253 automatic fire sprinkler requirement exists. The sale of the  
5254 facility does not alter the timeframe for the installation of  
5255 the automatic fire sprinkler system.

5256 l. Existing facilities required to install an automatic  
5257 fire sprinkler system as a result of construction-type  
5258 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
5259 herein, or evacuation capability requirements shall be notified  
5260 by the local fire official in writing of the automatic fire  
5261 sprinkler requirement, as well as the appropriate date for final



360216

5262 compliance as provided in this subparagraph. The local fire  
5263 official shall send a copy of the document to the Agency for  
5264 Health Care Administration.

5265 m. Except in cases of life-threatening fire hazards, if an  
5266 existing facility experiences a change in the evacuation  
5267 capability, or if the local authority having jurisdiction  
5268 identifies a construction-type restriction, such that an  
5269 automatic fire sprinkler system is required, it shall be given  
5270 ~~afforded~~ time for installation as provided in this subparagraph.

5271  
5272 Facilities that are fully sprinkled and in compliance with other  
5273 firesafety standards are not required to conduct more than one  
5274 of the required fire drills between the hours of 11 p.m. and 7  
5275 a.m., per year. In lieu of the remaining drills, staff  
5276 responsible for residents during such hours may be required to  
5277 participate in a mock drill that includes a review of evacuation  
5278 procedures. Such standards must be included or referenced in the  
5279 rules adopted by the State Fire Marshal. Pursuant to s.

5280 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final  
5281 administrative authority for firesafety standards established  
5282 and enforced pursuant to this section. All licensed facilities  
5283 must have an annual fire inspection conducted by the local fire  
5284 marshal or authority having jurisdiction.

5285 3. Resident elopement requirements.—Facilities are required  
5286 to conduct a minimum of two resident elopement prevention and  
5287 response drills per year. All administrators and direct care  
5288 staff must participate in the drills which shall include a  
5289 review of procedures to address resident elopement. Facilities  
5290 must document the implementation of the drills and ensure that



360216

5291 the drills are conducted in a manner consistent with the  
5292 facility's resident elopement policies and procedures.

5293 Section 141. Subsection (1) of section 429.44, Florida  
5294 Statutes, is amended to read:

5295 429.44 Construction and renovation; requirements.—

5296 (1) The requirements for the construction and renovation of  
5297 a facility shall comply with ~~the provisions of~~ chapter 553 which  
5298 pertains ~~pertain~~ to building construction standards, including  
5299 plumbing, electrical code, glass, manufactured buildings,  
5300 accessibility for persons with disabilities, and the state  
5301 minimum building code and with ~~the provisions of~~ s. 633.206  
5302 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.

5303 Section 142. Subsection (2) of section 429.73, Florida  
5304 Statutes, is amended to read:

5305 429.73 Rules and standards relating to adult family-care  
5306 homes.—

5307 (2) The department shall by rule provide minimum standards  
5308 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,  
5309 the State Fire Marshal, in consultation with the department and  
5310 the agency, shall adopt uniform firesafety standards for adult  
5311 family-care homes.

5312 Section 143. Subsection (4) of section 447.203, Florida  
5313 Statutes, is amended to read:

5314 447.203 Definitions.—As used in this part:

5315 (4) "Managerial employees" are those employees who:

5316 (a) Perform jobs that are not of a routine, clerical, or  
5317 ministerial nature and require the exercise of independent  
5318 judgment in the performance of such jobs and to whom one or more  
5319 of the following applies:





360216

5320           1. They formulate or assist in formulating policies which  
5321 are applicable to bargaining unit employees.

5322           2. They may reasonably be required on behalf of the  
5323 employer to assist in the preparation for the conduct of  
5324 collective bargaining negotiations.

5325           3. They have a role in the administration of agreements  
5326 resulting from collective bargaining negotiations.

5327           4. They have a significant role in personnel  
5328 administration.

5329           5. They have a significant role in employee relations.

5330           6. They are included in the definition of administrative  
5331 personnel contained in s. 1012.01(3).

5332           7. They have a significant role in the preparation or  
5333 administration of budgets for any public agency or institution  
5334 or subdivision thereof.

5335           (b) Serve as police chiefs, fire chiefs, or directors of  
5336 public safety of any police, fire, or public safety department.  
5337 Other police officers, as defined in s. 943.10(1), and  
5338 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be  
5339 determined by the commission to be managerial employees of such  
5340 departments. In making such determinations, the commission shall  
5341 consider, in addition to the criteria established in paragraph  
5342 (a), the paramilitary organizational structure of the department  
5343 involved.

5344  
5345 However, in determining whether an individual is a managerial  
5346 employee pursuant to either paragraph (a) or paragraph (b),  
5347 above, the commission may consider historic relationships of the  
5348 employee to the public employer and to coemployees.



360216

5349           Section 144. Subsection (1) of section 468.602, Florida  
5350 Statutes, is amended to read:

5351           468.602 Exemptions.—This part does not apply to:

5352           (1) Persons who possess a valid certificate, issued  
5353 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety  
5354 inspections, when conducting firesafety inspections.

5355           Section 145. Paragraph (c) of subsection (2) of section  
5356 468.609, Florida Statutes, is amended to read:

5357           468.609 Administration of this part; standards for  
5358 certification; additional categories of certification.—

5359           (2) A person may take the examination for certification as  
5360 a building code inspector or plans examiner pursuant to this  
5361 part if the person:

5362           (c) Meets eligibility requirements according to one of the  
5363 following criteria:

5364           1. Demonstrates 5 years' combined experience in the field  
5365 of construction or a related field, building code inspection, or  
5366 plans review corresponding to the certification category sought;

5367           2. Demonstrates a combination of postsecondary education in  
5368 the field of construction or a related field and experience  
5369 which totals 4 years, with at least 1 year of such total being  
5370 experience in construction, building code inspection, or plans  
5371 review;

5372           3. Demonstrates a combination of technical education in the  
5373 field of construction or a related field and experience which  
5374 totals 4 years, with at least 1 year of such total being  
5375 experience in construction, building code inspection, or plans  
5376 review;

5377           4. Currently holds a standard certificate as issued by the



360216

5378 board, or a fire safety inspector license issued pursuant to  
5379 chapter 633, has a minimum of 5 years' verifiable full-time  
5380 experience in inspection or plan review, and satisfactorily  
5381 completes a building code inspector or plans examiner training  
5382 program of not less than 200 hours in the certification category  
5383 sought. The board shall establish by rule criteria for the  
5384 development and implementation of the training programs; or

5385         5. Demonstrates a combination of the completion of an  
5386 approved training program in the field of building code  
5387 inspection or plan review and a minimum of 2 years' experience  
5388 in the field of building code inspection, plan review, fire code  
5389 inspections and fire plans review of new buildings as a  
5390 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or  
5391 construction. The approved training portion of this requirement  
5392 shall include proof of satisfactory completion of a training  
5393 program of not less than 300 hours which is approved by the  
5394 board in the chosen category of building code inspection or plan  
5395 review in the certification category sought with not less than  
5396 20 hours of instruction in state laws, rules, and ethics  
5397 relating to professional standards of practice, duties, and  
5398 responsibilities of a certificateholder. The board shall  
5399 coordinate with the Building Officials Association of Florida,  
5400 Inc., to establish by rule the development and implementation of  
5401 the training program.

5402         Section 146. Subsection (22) of section 489.103, Florida  
5403 Statutes, is amended to read:

5404         489.103 Exemptions.—This part does not apply to:

5405         (22) A person licensed pursuant to s. 633.304(1)(d)  
5406 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such



360216

5407 license.

5408 Section 147. Paragraph (n) of subsection (3) of section  
5409 489.105, Florida Statutes, is amended to read:

5410 489.105 Definitions.—As used in this part:

5411 (3) "Contractor" means the person who is qualified for, and  
5412 is only responsible for, the project contracted for and means,  
5413 except as exempted in this part, the person who, for  
5414 compensation, undertakes to, submits a bid to, or does himself  
5415 or herself or by others construct, repair, alter, remodel, add  
5416 to, demolish, subtract from, or improve any building or  
5417 structure, including related improvements to real estate, for  
5418 others or for resale to others; and whose job scope is  
5419 substantially similar to the job scope described in one of the  
5420 paragraphs of this subsection. For the purposes of regulation  
5421 under this part, the term "demolish" applies only to demolition  
5422 of steel tanks more than 50 feet in height; towers more than 50  
5423 feet in height; other structures more than 50 feet in height;  
5424 and all buildings or residences. Contractors are subdivided into  
5425 two divisions, Division I, consisting of those contractors  
5426 defined in paragraphs (a)-(c), and Division II, consisting of  
5427 those contractors defined in paragraphs (d)-(q):

5428 (n) "Underground utility and excavation contractor" means a  
5429 contractor whose services are limited to the construction,  
5430 installation, and repair, on public or private property, whether  
5431 accomplished through open excavations or through other means,  
5432 including, but not limited to, directional drilling, auger  
5433 boring, jacking and boring, trenchless technologies, wet and dry  
5434 taps, grouting, and slip lining, of main sanitary sewer  
5435 collection systems, main water distribution systems, storm sewer



360216

5436 collection systems, and the continuation of utility lines from  
5437 the main systems to a point of termination up to and including  
5438 the meter location for the individual occupancy, sewer  
5439 collection systems at property line on residential or single-  
5440 occupancy commercial properties, or on multioccupancy properties  
5441 at manhole or wye lateral extended to an invert elevation as  
5442 engineered to accommodate future building sewers, water  
5443 distribution systems, or storm sewer collection systems at storm  
5444 sewer structures. However, an underground utility and excavation  
5445 contractor may install empty underground conduits in rights-of-  
5446 way, easements, platted rights-of-way in new site development,  
5447 and sleeves for parking lot crossings no smaller than 2 inches  
5448 in diameter if each conduit system installed is designed by a  
5449 licensed professional engineer or an authorized employee of a  
5450 municipality, county, or public utility and the installation of  
5451 such conduit does not include installation of any conductor  
5452 wiring or connection to an energized electrical system. An  
5453 underground utility and excavation contractor may not install  
5454 piping that is an integral part of a fire protection system as  
5455 defined in s. 633.102 ~~633.021~~ beginning at the point where the  
5456 piping is used exclusively for such system.

5457 Section 148. Subsection (9) of section 496.404, Florida  
5458 Statutes, is amended to read:

5459 496.404 Definitions.—As used in ss. 496.401–496.424:

5460 (9) "Emergency service employee" means any employee who is  
5461 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance  
5462 driver, emergency medical technician, or paramedic, as defined  
5463 in s. 401.23.

5464 Section 149. Paragraph (a) of subsection (7) of section



360216

5465 509.032, Florida Statutes, is amended to read:

5466 509.032 Duties.—

5467 (7) PREEMPTION AUTHORITY.—

5468 (a) The regulation of public lodging establishments and  
5469 public food service establishments, including, but not limited  
5470 to, sanitation standards, inspections, training and testing of  
5471 personnel, and matters related to the nutritional content and  
5472 marketing of foods offered in such establishments, is preempted  
5473 to the state. This paragraph does not preempt the authority of a  
5474 local government or local enforcement district to conduct  
5475 inspections of public lodging and public food service  
5476 establishments for compliance with the Florida Building Code and  
5477 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
5478 633.206 ~~633.022~~.

5479 Section 150. Section 513.05, Florida Statutes, is amended  
5480 to read:

5481 513.05 Rules.—The department may adopt rules pertaining to  
5482 the location, construction, modification, equipment, and  
5483 operation of mobile home parks, lodging parks, recreational  
5484 vehicle parks, and recreational camps, except as provided in s.  
5485 633.206 ~~633.022~~, as necessary to administer this chapter. Such  
5486 rules may include definitions of terms; requirements for plan  
5487 reviews of proposed and existing parks and camps; plan reviews  
5488 of parks that consolidate space or change space size; water  
5489 supply; sewage collection and disposal; plumbing and backflow  
5490 prevention; garbage and refuse storage, collection, and  
5491 disposal; insect and rodent control; space requirements; heating  
5492 facilities; food service; lighting; sanitary facilities;  
5493 bedding; an occupancy equivalency to spaces for permits for



360216

5494 recreational camps; sanitary facilities in recreational vehicle  
5495 parks; and the owners' responsibilities at recreational vehicle  
5496 parks and recreational camps.

5497 Section 151. Paragraph (d) of subsection (1) and paragraph  
5498 (f) of subsection (11) of section 553.73, Florida Statutes, are  
5499 amended to read:

5500 553.73 Florida Building Code.—

5501 (1)

5502 (d) Conflicting requirements between the Florida Building  
5503 Code and the Florida Fire Prevention Code and Life Safety Code  
5504 of the state established pursuant to ss. 633.206 ~~633.022~~ and  
5505 633.208 ~~633.025~~ shall be resolved by agreement between the  
5506 commission and the State Fire Marshal in favor of the  
5507 requirement that offers the greatest degree of lifesafety or  
5508 alternatives that would provide an equivalent degree of  
5509 lifesafety and an equivalent method of construction. If the  
5510 commission and State Fire Marshal are unable to agree on a  
5511 resolution, the question shall be referred to a mediator,  
5512 mutually agreeable to both parties, to resolve the conflict in  
5513 favor of the provision that offers the greatest lifesafety, or  
5514 alternatives that would provide an equivalent degree of  
5515 lifesafety and an equivalent method of construction.

5516 (11)

5517 (f) All decisions of the local building official and local  
5518 fire official and all decisions of the administrative board  
5519 shall be in writing and shall be binding upon a person ~~all~~  
5520 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire  
5521 Marshal or the Florida Building Commission pursuant to paragraph  
5522 (1) (d) and ss. 633.104 ~~633.04~~ and 633.228 ~~633.161~~. Decisions of



360216

5523 general application shall be indexed by building and fire code  
5524 sections and shall be available for inspection during normal  
5525 business hours.

5526 Section 152. Paragraph (e) of subsection (1) of section  
5527 553.77, Florida Statutes, is amended to read:

5528 553.77 Specific powers of the commission.—

5529 (1) The commission shall:

5530 (e) Participate with the Florida Fire Code Advisory Council  
5531 created under s. 633.204 ~~633.72~~, to provide assistance and  
5532 recommendations relating to firesafety code interpretations. The  
5533 administrative staff of the commission shall attend meetings of  
5534 the Florida Fire Code Advisory Council and coordinate efforts to  
5535 provide consistency between the Florida Building Code and the  
5536 Florida Fire Prevention Code and the Life Safety Code.

5537 Section 153. Subsections (2) and (12) of section 553.79,  
5538 Florida Statutes, are amended to read:

5539 553.79 Permits; applications; issuance; inspections.—

5540 (2) Except as provided in subsection (6), an enforcing  
5541 agency may not issue any permit for construction, erection,  
5542 alteration, modification, repair, or demolition of any building  
5543 or structure until the local building code administrator or  
5544 inspector has reviewed the plans and specifications required by  
5545 the Florida Building Code, or local amendment thereto, for such  
5546 proposal and found the plans to be in compliance with the  
5547 Florida Building Code. If the local building code administrator  
5548 or inspector finds that the plans are not in compliance with the  
5549 Florida Building Code, the local building code administrator or  
5550 inspector shall identify the specific plan features that do not  
5551 comply with the applicable codes, identify the specific code





360216

5552 chapters and sections upon which the finding is based, and  
5553 provide this information to the local enforcing agency. The  
5554 local enforcing agency shall provide this information to the  
5555 permit applicant. In addition, an enforcing agency may not issue  
5556 any permit for construction, erection, alteration, modification,  
5557 repair, or demolition of any building until the appropriate  
5558 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~  
5559 has reviewed the plans and specifications required by the  
5560 Florida Building Code, or local amendment thereto, for such  
5561 proposal and found that the plans comply with the Florida Fire  
5562 Prevention Code and the Life Safety Code. Any building or  
5563 structure which is not subject to a firesafety code shall not be  
5564 required to have its plans reviewed by the firesafety inspector.  
5565 Any building or structure that is exempt from the local building  
5566 permit process may not be required to have its plans reviewed by  
5567 the local building code administrator. Industrial construction  
5568 on sites where design, construction, and firesafety are  
5569 supervised by appropriate design and inspection professionals  
5570 and which contain adequate in-house fire departments and rescue  
5571 squads is exempt, subject to local government option, from  
5572 review of plans and inspections, providing owners certify that  
5573 applicable codes and standards have been met and supply  
5574 appropriate approved drawings to local building and firesafety  
5575 inspectors. The enforcing agency shall issue a permit to  
5576 construct, erect, alter, modify, repair, or demolish any  
5577 building or structure when the plans and specifications for such  
5578 proposal comply with ~~the provisions of~~ the Florida Building Code  
5579 and the Florida Fire Prevention Code and the Life Safety Code as  
5580 determined by the local authority in accordance with this



360216

5581 chapter and chapter 633.

5582 (12) One-family and two-family detached residential  
5583 dwelling units are not subject to plan review by the local fire  
5584 official as described in this section or inspection by the local  
5585 fire official as described in s. 633.216 ~~633.081~~, unless  
5586 expressly made subject to the said plan review or inspection by  
5587 local ordinance.

5588 Section 154. Paragraph (d) of subsection (1) of section  
5589 590.02, Florida Statutes, is amended to read:

5590 590.02 Florida Forest Service; powers, authority, and  
5591 duties; liability; building structures; Florida Center for  
5592 Wildfire and Forest Resources Management Training.—

5593 (1) The Florida Forest Service has the following powers,  
5594 authority, and duties:

5595 (d) To appoint center managers, forest area supervisors,  
5596 forestry program administrators, a forest protection bureau  
5597 chief, a forest protection assistant bureau chief, a field  
5598 operations bureau chief, deputy chiefs of field operations,  
5599 district managers, forest operations administrators, senior  
5600 forest rangers, investigators, forest rangers, firefighter  
5601 rotorcraft pilots, and other employees who may, at the Florida  
5602 Forest Service's discretion, be certified as forestry  
5603 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other  
5604 ~~provisions of law notwithstanding~~, center managers, district  
5605 managers, forest protection assistant bureau chief, and deputy  
5606 chiefs of field operations shall have Selected Exempt Service  
5607 status in the state personnel designation;

5608 Section 155. Section 627.4107, Florida Statutes, is amended  
5609 to read:



360216

5610           627.4107 Government employees exposed to toxic drug  
5611 chemicals; cancellation of life or health policy or certificate  
5612 prohibited.—No life or health insurer may cancel or nonrenew a  
5613 life or health insurance policy or certificate of insurance  
5614 providing coverage to a state or local law enforcement officer  
5615 as defined in s. 943.10, firefighter as defined in s. 633.102  
5616 ~~633.30~~, emergency medical technician as defined in s. 401.23, or  
5617 paramedic as defined in s. 401.23, a volunteer firefighter as  
5618 defined in 633.102 engaged by state or local government, a law  
5619 enforcement officer employed by the Federal Government, or any  
5620 other local, state, or Federal Government employee solely based  
5621 on the fact that the individual has been exposed to toxic  
5622 chemicals or suffered injury or disease as a result of the  
5623 individual's lawful duties arising out of the commission of a  
5624 violation of chapter 893 by another person. This section does  
5625 not apply to a ~~any~~ person who commits an offense under chapter  
5626 893. This section does not prohibit an insurer from canceling or  
5627 nonrenewing an insurance policy or certificate, as permitted  
5628 under the applicable state insurance code, based on an act or  
5629 practice of the policyholder or certificateholder that  
5630 constitutes fraud or intentional misrepresentation of material  
5631 fact by the policyholder or certificateholder.

5632           Section 156. Subsection (10) of section 893.13, Florida  
5633 Statutes, is amended to read:

5634           893.13 Prohibited acts; penalties.—

5635           (10) If a person violates any provision of this chapter and  
5636 the violation results in a serious injury to a state or local  
5637 law enforcement officer as defined in s. 943.10, firefighter as  
5638 defined in s. 633.102 ~~633.30~~, emergency medical technician as



360216

5639 defined in s. 401.23, paramedic as defined in s. 401.23,  
5640 employee of a public utility or an electric utility as defined  
5641 in s. 366.02, animal control officer as defined in s. 828.27,  
5642 volunteer firefighter engaged by state or local government, law  
5643 enforcement officer employed by the Federal Government, or any  
5644 other local, state, or Federal Government employee injured  
5645 during the course and scope of his or her employment, the person  
5646 commits a felony of the third degree, punishable as provided in  
5647 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained  
5648 results in death or great bodily harm, the person commits a  
5649 felony of the second degree, punishable as provided in s.  
5650 775.082, s. 775.083, or s. 775.084.

5651 Section 157. Paragraph (g) of subsection (2) of section  
5652 934.03, Florida Statutes, is amended to read:

5653 934.03 Interception and disclosure of wire, oral, or  
5654 electronic communications prohibited.—

5655 (2)

5656 (g) It is lawful under ss. 934.03-934.09 for an employee  
5657 of:

5658 1. An ambulance service licensed pursuant to s. 401.25, a  
5659 fire station employing firefighters as defined by s. 633.102  
5660 ~~633.30~~, a public utility, a law enforcement agency as defined by  
5661 s. 934.02(10), or any other entity with published emergency  
5662 telephone numbers;

5663 2. An agency operating an emergency telephone number "911"  
5664 system established pursuant to s. 365.171; or

5665 3. The central abuse hotline operated pursuant to s. 39.201

5666  
5667 to intercept and record incoming wire communications; however,



360216

5668 such employee may intercept and record incoming wire  
5669 communications on designated "911" telephone numbers and  
5670 published nonemergency telephone numbers staffed by trained  
5671 dispatchers at public safety answering points only. It is also  
5672 lawful for such employee to intercept and record outgoing wire  
5673 communications to the numbers from which such incoming wire  
5674 communications were placed when necessary to obtain information  
5675 required to provide the emergency services being requested. For  
5676 the purpose of this paragraph, the term "public utility" has the  
5677 same meaning as provided in s. 366.02 and includes a person,  
5678 partnership, association, or corporation now or hereafter owning  
5679 or operating equipment or facilities in the state for conveying  
5680 or transmitting messages or communications by telephone or  
5681 telegraph to the public for compensation.

5682 Section 158. Paragraph (b) of subsection (4) of section  
5683 943.61, Florida Statutes, is amended to read:

5684 943.61 Powers and duties of the Capitol Police.—

5685 (4) The Capitol Police shall have the following  
5686 responsibilities, powers, and duties:

5687 (b) To provide and maintain the security of all property  
5688 located in the Capitol Complex in a manner consistent with the  
5689 security plans developed and approved under paragraph (a) and,  
5690 in consultation with the State Fire Marshal, to provide for  
5691 evacuations, information, and training required for firesafety  
5692 on such property in a manner consistent with s. 633.218 ~~633.085~~.

5693 Section 159. Paragraph (b) of subsection (18) of section  
5694 1002.33, Florida Statutes, is amended to read:

5695 1002.33 Charter schools.—

5696 (18) FACILITIES.—



360216

5697 (b) A charter school shall use ~~utilize~~ facilities that  
5698 comply with the Florida Fire Prevention Code, pursuant to s.  
5699 633.208 ~~633.025~~, as adopted by the authority in whose  
5700 jurisdiction the facility is located as provided in paragraph  
5701 (a).

5702 Section 160. Subsection (9) of section 1002.34, Florida  
5703 Statutes, is amended to read:

5704 1002.34 Charter technical career centers.—

5705 (9) FACILITIES.—A center may be located in any suitable  
5706 location, including part of an existing public school or Florida  
5707 College System institution building, space provided on a public  
5708 worksite, or a public building. A center's facilities must  
5709 comply with the State Uniform Building Code for Public  
5710 Educational Facilities Construction adopted pursuant to s.  
5711 1013.37, or with applicable state minimum building codes  
5712 pursuant to chapter 553, and state minimum fire protection codes  
5713 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in  
5714 whose jurisdiction the facility is located. If K-12 public  
5715 school funds are used for construction, the facility must remain  
5716 on the local school district's Florida Inventory of School  
5717 Houses (FISH) school building inventory of the district school  
5718 board and must revert to the district school board if the  
5719 consortium dissolves and the program is discontinued. If Florida  
5720 College System institution public school funds are used for  
5721 construction, the facility must remain on the local Florida  
5722 College System institution's facilities inventory and must  
5723 revert to the local Florida College System institution board of  
5724 trustees if the consortium dissolves and the program is  
5725 discontinued. The additional student capacity created by the



360216

5726 addition of the center to the local school district's FISH may  
5727 not be calculated in the permanent student capacity for the  
5728 purpose of determining need or eligibility for state capital  
5729 outlay funds while the facility is used as a center. If the  
5730 construction of the center is funded jointly by K-12 public  
5731 school funds and Florida College System institution funds, the  
5732 sponsoring entities must agree, before granting the charter, on  
5733 the appropriate owner and terms of transfer of the facility if  
5734 the charter is dissolved.

5735 Section 161. Subsection (1), paragraph (c) of subsection  
5736 (2), and paragraphs (a) and (c) of subsection (6) of section  
5737 1013.12, Florida Statutes, are amended to read:

5738 1013.12 Casualty, safety, sanitation, and firesafety  
5739 standards and inspection of property.—

5740 (1) FIRESAFETY.—The State Board of Education shall adopt  
5741 and administer rules prescribing standards for the safety and  
5742 health of occupants of educational and ancillary plants as a  
5743 part of State Requirements for Educational Facilities or the  
5744 Florida Building Code for educational facilities construction as  
5745 provided in s. 1013.37, except that the State Fire Marshal in  
5746 consultation with the Department of Education shall adopt  
5747 uniform firesafety standards for educational and ancillary  
5748 plants and educational facilities, as provided in s.

5749 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system  
5750 to be used as an alternate firesafety inspection standard for  
5751 existing educational and ancillary plants and educational  
5752 facilities. The uniform firesafety standards and the alternate  
5753 firesafety evaluation system shall be administered and enforced  
5754 by fire officials certified by the State Fire Marshal under s.



360216

5755 633.216 ~~633.081~~. These standards must be used by all public  
5756 agencies when inspecting public educational and ancillary  
5757 plants, and the firesafety standards must be used by county,  
5758 municipal, or independent special fire control district  
5759 inspectors when performing firesafety inspections of public  
5760 educational and ancillary plants and educational facilities. In  
5761 accordance with such standards, each board shall prescribe  
5762 policies and procedures establishing a comprehensive program of  
5763 safety and sanitation for the protection of occupants of public  
5764 educational and ancillary plants. Such policies must contain  
5765 procedures for periodic inspections as prescribed in this  
5766 section or chapter 633 and for withdrawal of any educational and  
5767 ancillary plant, or portion thereof, from use until unsafe or  
5768 unsanitary conditions are corrected or removed.

5769 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
5770 BOARDS.—

5771 (c) Under the direction of the fire official appointed by  
5772 the board under s. 1013.371(2), firesafety inspections of each  
5773 educational and ancillary plant located on property owned or  
5774 leased by the board, or other educational facilities operated by  
5775 the board, must be made no sooner than 1 year after issuance of  
5776 a certificate of occupancy and annually thereafter. Such  
5777 inspections shall be made by persons certified by the Division  
5778 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct  
5779 firesafety inspections in public educational and ancillary  
5780 plants. The board shall submit a copy of the firesafety  
5781 inspection report to the county, municipality, or independent  
5782 special fire control district providing fire protection services  
5783 to the school facility within 10 business days after the date of





360216

5784 the inspection. Alternate schedules for delivery of reports may  
5785 be agreed upon between the school district and the county,  
5786 municipality, or independent special fire control district  
5787 providing fire protection services to the site in cases in which  
5788 delivery is impossible due to hurricanes or other natural  
5789 disasters. Regardless, if immediate life-threatening  
5790 deficiencies are noted in the report, the report shall be  
5791 delivered immediately. In addition, the board and any other  
5792 authority conducting the fire safety inspection shall certify to  
5793 the State Fire Marshal that the annual inspection has been  
5794 completed. The certification shall be made electronically or by  
5795 such other means as directed by the State Fire Marshal.

5796 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
5797 FACILITIES.—

5798 (a) Firesafety inspections of public college facilities,  
5799 including charter schools located on board-owned or board-leased  
5800 facilities or otherwise operated by public college boards, shall  
5801 be made in accordance with the Florida Fire Prevention Code, as  
5802 adopted by the State Fire Marshal. Notwithstanding s. 633.202  
5803 ~~633.0215~~, provisions of the code relating to inspections of such  
5804 facilities are not subject to any local amendments as provided  
5805 by s. 1013.371. Each public college facility shall be inspected  
5806 annually by persons certified under s. 633.216 ~~633.081~~.

5807 (c) Firesafety inspections of state universities shall  
5808 comply with the Florida Fire Prevention Code, as adopted by the  
5809 State Fire Marshal under s. 633.202 ~~633.0215~~.

5810 Section 162. Paragraphs (a), (b), and (d) of subsection (2)  
5811 and paragraph (a) of subsection (4) of section 1013.38, Florida  
5812 Statutes, are amended to read:



360216

5813 1013.38 Boards to ensure that facilities comply with  
5814 building codes and life safety codes.—

5815 (2) In addition to the submission of site plans, boards may  
5816 provide compliance as follows:

5817 (a) Boards or consortia may individually or cooperatively  
5818 provide review services under the insurance risk management  
5819 oversight through the use of board employees or consortia  
5820 employees registered pursuant to chapter 471, chapter 481, or  
5821 part XII of chapter 468 and firesafety inspectors certified  
5822 under s. 633.216 ~~633.081~~.

5823 (b) Boards may elect to review construction documents using  
5824 their own employees registered pursuant to chapter 471, chapter  
5825 481, or part XII of chapter 468 and firesafety inspectors  
5826 certified under s. 633.216 ~~633.081~~.

5827 (d) Boards or consortia may contract for plan review  
5828 services directly with engineers and architects registered  
5829 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
5830 certified under s. 633.216 ~~633.081~~.

5831 (4) (a) Before the commencement of any new construction,  
5832 renovation, or remodeling, the board shall:

5833 1. Approve or cause to be approved the construction  
5834 documents and evaluate such documents for compliance with the  
5835 Florida Building Code and the Florida Fire Prevention Code.

5836 2. Ensure compliance with all applicable firesafety codes  
5837 and standards by contracting with a firesafety inspector  
5838 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

5839 Section 163. This act shall take effect July 1, 2013.

5840  
5841 ===== T I T L E A M E N D M E N T =====



360216

5842 And the title is amended as follows:

5843 Delete everything before the enacting clause  
5844 and insert:

5845 A bill to be entitled

5846 An act relating to fire safety and prevention;  
5847 providing a directive to the Division of Law Revision  
5848 and Information to create part I of ch. 633, F.S.,  
5849 entitled "General Provisions"; transferring,  
5850 renumbering, and amending s. 633.021, F.S.; revising  
5851 and providing definitions; transferring, renumbering,  
5852 and amending s. 633.01, F.S.; revising provisions  
5853 relating to the authority of the State Fire Marshal;  
5854 removing references to the Life Safety Code; revising  
5855 the renewal period for fire safety inspector  
5856 requirements for certification; conforming cross-  
5857 references; authorizing the State Fire Marshal to  
5858 administer oaths and take testimony; authorizing the  
5859 State Fire Marshal to enter into contracts with  
5860 private entities for the administration of  
5861 examinations; transferring, renumbering, and amending  
5862 s. 633.163, F.S.; revising provisions relating to the  
5863 disciplinary authority of the State Fire Marshal;  
5864 authorizing the State Fire Marshal to deny, suspend,  
5865 or revoke the licenses of certain persons; providing  
5866 terms and conditions of probation; transferring and  
5867 renumbering s. 633.15, F.S., relating to the force and  
5868 effect of ch. 633, F.S., and rules adopted by the  
5869 State Fire Marshal on municipalities, counties, and  
5870 special districts having fire safety responsibilities;



360216

5871 transferring, renumbering, and amending s. 633.101,  
5872 F.S.; revising provisions relating to hearings,  
5873 investigations, and recordkeeping duties and the  
5874 authority of the State Fire Marshal; authorizing the  
5875 State Fire Marshal to designate an agent for various  
5876 purposes related to hearings; providing for the  
5877 issuance of subpoenas; transferring, renumbering, and  
5878 amending s. 633.111, F.S.; requiring the State Fire  
5879 Marshal to keep records of all fires and explosions;  
5880 transferring, renumbering, and amending s. 633.02,  
5881 F.S.; revising provisions relating to the authority of  
5882 agents of the State Fire Marshal; transferring and  
5883 renumbering s. 633.14, F.S., relating to the powers of  
5884 agents of the State Fire Marshal to make arrests,  
5885 conduct searches and seizures, serve summonses, and  
5886 carry firearms; transferring, renumbering, and  
5887 amending s. 633.121, F.S., relating to persons  
5888 authorized to enforce laws and rules of the State Fire  
5889 Marshal; revising terminology; transferring,  
5890 renumbering, and amending s. 633.151, F.S.; clarifying  
5891 provisions relating to impersonating the State Fire  
5892 Marshal, a firefighter, a fire safety inspector, or a  
5893 volunteer firefighter, for which a criminal penalty is  
5894 provided; transferring, renumbering, and amending s.  
5895 633.171, F.S.; providing penalties for rendering a  
5896 fire protection system required by statute or by rule  
5897 inoperative; providing penalties for using the  
5898 certificate of another person, holding a license or  
5899 certificate and allowing another person to use the



360216

5900 license or certificate, and using or allowing the use  
5901 of any certificate or permit by any individual or  
5902 organization other than the individual to whom the  
5903 certificate or permit is issued; conforming a cross-  
5904 reference; transferring, renumbering, and amending s.  
5905 633.175, F.S., relating to investigation of fraudulent  
5906 insurance claims and crimes and immunity of insurance  
5907 companies supplying information relative thereto;  
5908 defining the term "consultant"; revising provisions to  
5909 include investigation of explosions in fraudulent  
5910 insurance claim investigations; authorizing the State  
5911 Fire Marshal to adopt rules to implement provisions  
5912 relating to an insurance company's investigation of a  
5913 suspected fire or explosion by intentional means;  
5914 revising terminology; conforming a cross-reference;  
5915 transferring, renumbering, and amending s. 633.45,  
5916 F.S.; clarifying and revising the powers and duties of  
5917 the Division of State Fire Marshal; requiring the  
5918 division to establish by rule uniform minimum  
5919 standards for the employment and training of  
5920 firefighters and volunteer firefighters; requiring the  
5921 division to establish by rule minimum curriculum  
5922 requirements and criteria for the approval of  
5923 education or training providers; requiring the  
5924 division to specify by rule standards for the  
5925 approval, denial of approval, probation, suspension,  
5926 and revocation of approval of education or training  
5927 providers and facilities for training firefighters and  
5928 volunteer firefighters; requiring the division to



360216

5929 specify by rule standards for the certification,  
5930 denial of certification, probation, and revocation of  
5931 certification for instructors; requiring the division  
5932 to establish by rule minimum training qualifications  
5933 for persons serving as specified fire safety  
5934 coordinators; requiring the division to issue  
5935 specified licenses, certificates, and permits;  
5936 conforming cross-references; creating s. 633.132,  
5937 F.S.; establishing fees to be collected by the  
5938 division; authorizing the division to establish by  
5939 rule fees necessary to cover administrative costs and  
5940 to collect such fees in advance; providing for the  
5941 appropriation and deposit of all funds collected by  
5942 the State Fire Marshal pursuant to ch. 633, F.S.;  
5943 transferring and renumbering s. 633.39, F.S., relating  
5944 to acceptance by the division of donations of property  
5945 and grants of money; transferring, renumbering, and  
5946 amending s. 633.115, F.S., relating to the Fire and  
5947 Emergency Incident Information Reporting Program;  
5948 making technical changes; conforming a cross-  
5949 reference; creating s. 633.138, F.S.; providing  
5950 requirements with respect to notice of change of  
5951 address of record for, and notice of felony actions  
5952 against, a licensee, permittee, or certificateholder;  
5953 transferring, renumbering and amending s. 633.042,  
5954 F.S.; revising the "Reduced Cigarette Ignition  
5955 Propensity Standard and Firefighter Protection Act" to  
5956 include preemption by the act of local laws and rules;  
5957 providing a directive to the Division of Law Revision



360216

5958 and Information to create part II of ch. 633, F.S.,  
5959 entitled "Fire Safety and Prevention"; transferring,  
5960 renumbering, and amending s. 633.0215, F.S., relating  
5961 to the Florida Fire Prevention Code; conforming cross-  
5962 references; deleting an obsolete provision;  
5963 transferring, renumbering, and amending s. 633.72,  
5964 F.S., relating to the Florida Fire Code Advisory  
5965 Council; revising membership of the council; providing  
5966 for semiannual meetings of the council; authorizing  
5967 the council to review proposed changes to the Florida  
5968 Fire Prevention Code and specified uniform fire safety  
5969 standards; conforming cross-references; transferring,  
5970 renumbering, and amending s. 633.022, F.S., relating  
5971 to uniform fire safety standards; revising  
5972 applicability of uniform fire safety standards;  
5973 removing obsolete provisions; transferring,  
5974 renumbering, and amending s. 633.025, F.S., relating  
5975 to minimum fire safety standards; deleting references  
5976 to the Life Safety Code; conforming provisions to  
5977 changes made by the act; conforming a cross-reference;  
5978 transferring, renumbering, and amending s. 633.026,  
5979 F.S., relating to informal interpretations of the  
5980 Florida Fire Prevention Code and legislative intent  
5981 with respect thereto; conforming provisions to changes  
5982 made by the act; conforming cross-references; revising  
5983 terminology to provide for declaratory statements  
5984 rather than formal interpretations in nonbinding  
5985 interpretations of Florida Fire Prevention Code  
5986 provisions; transferring, renumbering, and amending s.



360216

5987 633.052, F.S., relating to ordinances relating to fire  
5988 safety and penalties for violation; conforming  
5989 terminology; providing that a special district may  
5990 enact any ordinance relating to fire safety codes that  
5991 is identical to ch. 633, F.S., or any state law,  
5992 except as to penalty; transferring, renumbering, and  
5993 amending s. 633.081, F.S., relating to inspection of  
5994 buildings and equipment; clarifying persons authorized  
5995 to inspect buildings and structures; conforming cross-  
5996 references; revising requirements of persons  
5997 conducting fire safety inspections; revising the  
5998 period of validity of, and continuing education  
5999 requirements for, fire safety inspector certificates;  
6000 requiring repeat training for certified fire safety  
6001 inspectors whose certification has lapsed for a  
6002 specified period; revising grounds for denial, refusal  
6003 to renew, suspension, or revocation of a fire safety  
6004 inspector certificate; requiring the department to  
6005 provide by rule for the certification of Fire Code  
6006 Administrators; transferring, renumbering, and  
6007 amending s. 633.085, F.S., relating to inspection of  
6008 state buildings and premises; defining the terms  
6009 "high-hazard occupancy" and "state-owned building";  
6010 providing for identification of state-owned buildings  
6011 or state-leased buildings or space; authorizing,  
6012 rather than requiring, the State Fire Marshal or  
6013 agents thereof to conduct performance tests on any  
6014 electronic fire warning and smoke detection system,  
6015 and any pressurized air-handling unit, in any state-





360216

6016 owned building or state-leased building or space on a  
6017 recurring basis; requiring the State Fire Marshal or  
6018 agents thereof to ensure that fire drills are  
6019 conducted in all high-hazard state-owned buildings or  
6020 high-hazard state-leased occupancies at least  
6021 annually; requiring that all new construction or  
6022 renovation, alteration, or change of occupancy of any  
6023 existing, state-owned building or state-leased  
6024 building or space comply with uniform fire safety  
6025 standards; authorizing the division to inspect state-  
6026 owned buildings and spaces and state-leased buildings  
6027 and spaces as necessary before occupancy or during  
6028 construction, renovation, or alteration to ascertain  
6029 compliance with uniform fire safety standards;  
6030 requiring the division to issue orders to cease  
6031 construction, renovation, or alteration, or to  
6032 preclude occupancy, of a state-owned or state-leased  
6033 building or space for noncompliance; transferring,  
6034 renumbering, and amending s. 633.027, F.S., relating  
6035 to buildings with light-frame truss-type construction;  
6036 conforming cross-references; transferring,  
6037 renumbering, and amending s. 633.60, F.S., relating to  
6038 automatic fire sprinkler systems for one-family  
6039 dwellings, two-family dwellings, and mobile homes;  
6040 conforming a cross-reference; transferring and  
6041 renumbering s. 633.557, F.S., relating to the  
6042 nonapplicability of the act to owners of property who  
6043 are building or improving farm outbuildings and  
6044 standpipe systems installed by plumbing contractors;



360216

6045 transferring, renumbering, and amending s. 633.161,  
6046 F.S., relating to violations and enforcement of ch.  
6047 633, F.S., orders resulting from violations, and  
6048 penalties for violation; conforming cross-references;  
6049 providing a directive to the Division of Law Revision  
6050 and Information to create part III of ch. 633, F.S.,  
6051 entitled "Fire Protection and Suppression";  
6052 transferring, renumbering, and amending s. 633.511,  
6053 F.S., relating to the Florida Fire Safety Board;  
6054 conforming provisions to changes made by the act;  
6055 conforming cross-references; requiring the board to  
6056 act in an advisory capacity; authorizing the board to  
6057 review complaints and make recommendations; providing  
6058 for election of officers, quorum, and compensation of  
6059 the board; requiring the board to adopt a seal;  
6060 transferring, renumbering, and amending s. 633.061,  
6061 F.S., relating to licensure to install or maintain  
6062 fire suppression equipment; removing the fee schedule  
6063 from such provisions; revising provisions relating to  
6064 fire equipment dealers who wish to withdraw a  
6065 previously filed halon equipment exemption affidavit;  
6066 providing conditions that an applicant for a license  
6067 of any class who has facilities located outside the  
6068 state must meet in order to obtain a required  
6069 equipment inspection; providing for the adoption of  
6070 rules with respect to the establishment and  
6071 calculation of inspection costs; revising and  
6072 clarifying provisions that exclude from licensure for  
6073 a specified period applicants having a previous



360216

6074 criminal conviction; defining the term "convicted";  
6075 providing conditions under which a licensed fire  
6076 equipment dealer may apply to convert the license  
6077 currently held to a higher or lower licensing  
6078 category; providing a procedure for an applicant who  
6079 passes an examination for licensure or permit but  
6080 fails to meet remaining qualifications within 1 year  
6081 after the application date; transferring, renumbering,  
6082 and amending s. 633.065, F.S., relating to  
6083 requirements for installation, inspection, and  
6084 maintenance of fire suppression equipment; conforming  
6085 a cross-reference; transferring, renumbering, and  
6086 amending s. 633.071, F.S., relating to standard  
6087 service tags required on all fire extinguishers and  
6088 preengineered systems; conforming a cross-reference;  
6089 transferring, renumbering, and amending s. 633.082,  
6090 F.S., relating to inspection of fire control systems,  
6091 fire hydrants, and fire protection systems; conforming  
6092 a cross-reference; making technical changes;  
6093 transferring, renumbering, and amending s. 633.083,  
6094 F.S., relating to the prohibited sale or use of  
6095 certain types of fire extinguishers and penalty  
6096 therefor; making a technical change; transferring,  
6097 renumbering, and amending s. 633.162, F.S., relating  
6098 to fire suppression system contractors and  
6099 disciplinary actions with respect thereto; conforming  
6100 cross-references; clarifying provisions; transferring,  
6101 renumbering, and amending s. 633.521, F.S., relating  
6102 to certification as fire protection system contractor;



360216

6103 clarifying provisions and making technical changes;  
6104 conforming cross-references; transferring,  
6105 renumbering, and amending s. 633.551, F.S., relating  
6106 to county and municipal powers and the effect of ch.  
6107 75-240, Laws of Florida; making technical changes;  
6108 transferring and renumbering s. 633.527, F.S.,  
6109 relating to records concerning an applicant and the  
6110 extent of confidentiality; transferring and  
6111 renumbering s. 633.531, F.S., relating to statewide  
6112 effectiveness and nontransferability of certificates;  
6113 transferring, renumbering, and amending s. 633.534,  
6114 F.S., relating to the issuance of certificates to  
6115 individuals and business organizations; making a  
6116 technical change; transferring, renumbering, and  
6117 amending s. 633.537, F.S., relating to renewal and  
6118 expiration of certificates; deleting an obsolete  
6119 provision; deleting a provision which prescribes the  
6120 biennial renewal fee for an inactive status  
6121 certificate; making technical changes; transferring,  
6122 renumbering, and amending s. 633.539, F.S., relating  
6123 to requirements for installation, inspection, and  
6124 maintenance of fire protection systems; conforming a  
6125 cross-reference; transferring, renumbering, and  
6126 amending s. 633.541, F.S., relating to the prohibition  
6127 against contracting as a fire protection contractor  
6128 without a certificate and penalty for violation  
6129 thereof; conforming cross-references; making a  
6130 technical change; transferring, renumbering, and  
6131 amending s. 633.547, F.S., relating to disciplinary



360216

6132 action concerning fire protection system contractors;  
6133 revising provisions that authorize the State Fire  
6134 Marshal to suspend a fire protection system  
6135 contractor's or permittee's certificate; deleting  
6136 provisions authorizing revocation of a certificate for  
6137 a specified period; conforming a cross-reference;  
6138 transferring, renumbering, and amending s. 633.549,  
6139 F.S., relating to violations that are subject to  
6140 injunction; making a technical change; transferring  
6141 and renumbering s. 633.554, F.S., relating to  
6142 application of ch. 633, F.S., regulating contracting  
6143 and contractors; transferring, renumbering, and  
6144 amending s. 633.70, F.S., relating to jurisdiction of  
6145 the State Fire Marshal over alarm system contractors  
6146 and certified unlimited electrical contractors;  
6147 conforming a cross-reference; transferring and  
6148 renumbering s. 633.701, F.S., relating to requirements  
6149 for fire alarm system equipment; transferring,  
6150 renumbering, and amending s. 633.702, F.S., relating  
6151 to prohibited acts regarding alarm system contractors  
6152 or certified unlimited electrical contractors and  
6153 penalties for violations; making technical changes;  
6154 providing a directive to the Division of Law Revision  
6155 and Information to create part IV of ch. 633, F.S.,  
6156 entitled "Fire Standards and Training"; transferring,  
6157 renumbering, and amending s. 633.31, F.S.; revising  
6158 provisions relating to the Firefighters Employment,  
6159 Standards, and Training Council; providing for an  
6160 additional member of the council; providing for



360216

6161 organization of the council, meetings, quorum,  
6162 compensation, and adoption of a seal; providing for  
6163 special powers of the council in connection with the  
6164 employment and training of firefighters; transferring,  
6165 renumbering, and amending s. 633.42, F.S., relating to  
6166 the authority of fire service providers to establish  
6167 qualifications and standards for hiring, training, or  
6168 promoting firefighters which exceed the minimum set by  
6169 the department; conforming terminology; creating s.  
6170 633.406, F.S.; specifying classes of certification  
6171 awarded by the division; authorizing the division to  
6172 establish specified additional certificates by rule;  
6173 transferring, renumbering, and amending s. 633.35,  
6174 F.S.; revising provisions relating to firefighter and  
6175 volunteer firefighter training and certification;  
6176 requiring the division to establish by rule specified  
6177 courses and course examinations; providing that  
6178 courses may only be administered by specified  
6179 education or training providers and taught by  
6180 certified instructors; revising provisions with  
6181 respect to payment of training costs and payment of  
6182 tuition for attendance at approved courses; providing  
6183 requirements for issuance by the division of a  
6184 firefighter certificate of compliance; providing  
6185 requirements for issuance by the division of a  
6186 Volunteer Firefighter Certificate of Completion;  
6187 authorizing the division to issue a Special  
6188 Certificate of Compliance; providing requirements and  
6189 limitations with respect thereto; providing procedures



360216

6190 and requirements for reexamination after failure of an  
6191 examination; increasing the required number of hours  
6192 of the structural fire training program; providing for  
6193 a Forestry Certificate of Compliance and prescribing  
6194 the rights, privileges, and benefits thereof;  
6195 transferring, renumbering, and amending s. 633.34,  
6196 F.S., relating to qualifications for certification as  
6197 a firefighter; revising provisions relating to  
6198 disqualifying offenses; providing requirements of the  
6199 division with respect to suspension or revocation of a  
6200 certificate; making technical changes; conforming  
6201 cross-references; transferring, renumbering, and  
6202 amending s. 633.352, F.S., relating to firefighter  
6203 employment and volunteer firefighter service; revising  
6204 provisions relating to retention of certification as a  
6205 firefighter; defining the term "active"; transferring,  
6206 renumbering, and amending s. 633.41, F.S.; prohibiting  
6207 a fire service provider from employing an individual  
6208 as a firefighter or supervisor of firefighters and  
6209 from retaining the services of an individual  
6210 volunteering as a firefighter or a supervisor of  
6211 firefighters without required certification; requiring  
6212 a fire service provider to make a diligent effort to  
6213 determine possession of required certification prior  
6214 to employing or retaining an individual for specified  
6215 services; defining the term "diligent effort";  
6216 requiring a fire service provider to notify the  
6217 division of specified hirings, retentions,  
6218 terminations, decisions not to retain a firefighter,



360216

6219 and determinations of failure to meet certain  
6220 requirements; authorizing the division to conduct site  
6221 visits to fire departments to monitor compliance;  
6222 defining the term "employ"; conforming cross-  
6223 references; transferring, renumbering, and amending s.  
6224 633.38, F.S., relating to curricula and standards for  
6225 advanced and specialized training prescribed by the  
6226 division; revising terminology to conform; conforming  
6227 cross-references; transferring, renumbering, and  
6228 amending s. 633.382, F.S., relating to supplemental  
6229 compensation for firefighters who pursue specified  
6230 higher educational opportunities; removing  
6231 definitions; requiring the State Fire Marshal to  
6232 determine, and adopt by rule, course work or degrees  
6233 that represent the best practices toward supplemental  
6234 compensation goals; specifying that supplemental  
6235 compensation shall be paid to qualifying full-time  
6236 employees of a fire service provider; conforming  
6237 terminology; clarifying provisions; specifying that  
6238 policy guidelines be adopted by rule; classifying the  
6239 division as a fire service provider responsible for  
6240 the payment of supplemental compensation to full-time  
6241 firefighters employed by the division; transferring,  
6242 renumbering, and amending s. 633.353, F.S., relating  
6243 to falsification of qualifications; clarifying  
6244 provisions that provide a penalty for falsification of  
6245 qualifications provided to the Bureau of Fire  
6246 Standards and Training of the division; transferring,  
6247 renumbering, and amending s. 633.351, F.S., relating





360216

6248 to disciplinary action and standards for revocation of  
6249 certification; providing definitions; providing  
6250 conditions for ineligibility to apply for  
6251 certification under ch. 633, F.S.; providing  
6252 conditions for permanent revocation of certification,  
6253 prospective application of such provisions, and  
6254 retroactive application with respect to specified  
6255 convictions; revising provisions relating to  
6256 revocation of certification; providing requirements  
6257 with respect to application for certification;  
6258 requiring specified submission of fingerprints;  
6259 providing a fee; providing requirements of the  
6260 Department of Law Enforcement with respect to  
6261 submitted fingerprints; transferring, renumbering, and  
6262 amending s. 633.43, F.S., relating to the  
6263 establishment of the Florida State Fire College;  
6264 conforming a provision to changes made by the act;  
6265 transferring, renumbering, and amending s. 633.44,  
6266 F.S., relating to the purposes of the Florida State  
6267 Fire College and part IV of ch. 633, F.S.; expanding  
6268 such purpose; conforming a cross-reference;  
6269 transferring, renumbering, and amending s. 633.48,  
6270 F.S., relating to the superintendent of the Florida  
6271 State Fire College; conforming a cross-reference;  
6272 transferring, renumbering, and amending s. 633.461,  
6273 F.S., relating to uses of funds from the Insurance  
6274 Regulatory Trust Fund; clarifying provisions;  
6275 transferring and renumbering s. 633.47, F.S., relating  
6276 to the procedure for making expenditures on behalf of



360216

6277 the Florida State Fire College; transferring,  
6278 renumbering, and amending s. 633.49, F.S., relating to  
6279 the use of buildings, equipment, and other facilities  
6280 of the fire college; conforming a cross-reference;  
6281 transferring, renumbering, and amending s. 633.50,  
6282 F.S., relating to additional duties of the Division of  
6283 State Fire Marshal related to the Florida State Fire  
6284 College; conforming cross-references; transferring and  
6285 renumbering s. 633.46, F.S., relating to fees to be  
6286 charged for training; providing a directive to the  
6287 Division of Law Revision and Information to create  
6288 part V of ch. 633, F.S., entitled "Florida  
6289 Firefighters Occupational Safety and Health Act";  
6290 transferring, renumbering, and amending s. 633.801,  
6291 F.S., relating to a short title; conforming a cross-  
6292 reference; transferring, renumbering, and amending s.  
6293 633.802, F.S., relating to definitions; revising  
6294 definitions of "firefighter employee," "firefighter  
6295 employer," and "firefighter place of employment";  
6296 transferring, renumbering, and amending s. 633.803,  
6297 F.S., relating to legislative intent to enhance  
6298 firefighter occupational safety and health in the  
6299 state; clarifying provisions; conforming cross-  
6300 references; transferring, renumbering, and amending s.  
6301 633.821, F.S., relating to assistance by the division  
6302 in facilitating firefighter employee workplace safety;  
6303 revising references to publications; removing obsolete  
6304 provisions; revising requirements and responsibilities  
6305 of the division; transferring, renumbering, and



360216

6306 amending s. 633.817, F.S., relating to remedies  
6307 available to the division for noncompliance with part  
6308 V of ch. 633, F.S.; conforming cross-references;  
6309 transferring and renumbering s. 633.805, F.S.,  
6310 relating to a required study by the division of  
6311 firefighter employee occupational diseases;  
6312 transferring, renumbering, and amending s. 633.806,  
6313 F.S., relating to certain duties of the division;  
6314 revising provisions that require the division to make  
6315 studies, investigations, inspections, and inquiries  
6316 with respect to compliance with part V of ch. 633,  
6317 F.S., or rules authorized thereunder, and the causes  
6318 of firefighter employee injuries, illnesses, safety-  
6319 based complaints, or line-of-duty deaths in  
6320 firefighter employee places of employment; authorizing  
6321 the division to adopt by rule procedures for  
6322 conducting inspections and inquiries of firefighter  
6323 employers under part V of ch. 633, F.S.; authorizing  
6324 the division to enter premises to investigate  
6325 compliance; providing a criminal penalty; conforming  
6326 references; transferring, renumbering, and amending s.  
6327 633.807, F.S., relating to safety responsibilities of  
6328 firefighter employers; revising definitions of the  
6329 terms "safe" and "safety"; transferring, renumbering,  
6330 and amending s. 633.809, F.S.; relating to firefighter  
6331 employers with a high frequency of firefighter  
6332 employee work-related injuries; revising provisions  
6333 relating to required safety inspections; clarifying  
6334 that the division may not assess penalties as a result



360216

6335 of such inspections; requiring firefighter employers  
6336 to submit a plan for the correction of noncompliance  
6337 issues to the division for approval in accordance with  
6338 division rule; providing procedures if a plan is not  
6339 submitted, does not provide corrective actions, is  
6340 incomplete, or is not implemented; providing for  
6341 workplace safety committees and coordinators,  
6342 including mandatory negotiations during collective  
6343 bargaining; requiring the division to adopt rules;  
6344 providing for compensation of the workplace safety  
6345 committee; authorizing cancellation of an insurance  
6346 plan due to noncompliance; transferring, renumbering,  
6347 and amending s. 633.811, F.S., relating to firefighter  
6348 employer penalties; prescribing additional  
6349 administrative penalties for firefighter employers for  
6350 violation of, or refusal to comply with, part V of ch.  
6351 633, F.S.; providing for location of hearings;  
6352 transferring, renumbering, and amending s. 633.812,  
6353 F.S., relating to specified cooperation by the  
6354 division with the Federal Government; clarifying  
6355 requirements from which private firefighter employers  
6356 are exempt; eliminating a prerequisite to exemption  
6357 for specified firefighter employers; requiring  
6358 reinspection after specified noncompliance;  
6359 transferring, renumbering, and amending s. 633.816,  
6360 F.S., relating to firefighter employee rights and  
6361 responsibilities; conforming cross-references;  
6362 transferring, renumbering, and amending s. 633.818,  
6363 F.S., relating to false statements; conforming a



360216

6364 cross-reference; prohibiting a person from committing  
6365 certain fraudulent acts in any matter within the  
6366 jurisdiction of the division; providing criminal  
6367 penalties; providing a statute of limitation;  
6368 transferring, renumbering, and amending s. 633.814,  
6369 F.S., relating to disbursement of expenses to  
6370 administer part V of ch. 633, F.S.; conforming a  
6371 cross-reference; amending s. 112.011, F.S.; removing  
6372 provisions that exclude from employment for a  
6373 specified period an applicant for employment with a  
6374 fire department who has a prior felony conviction;  
6375 amending s. 112.191, F.S.; revising provisions  
6376 relating to adjustments in payments of accidental  
6377 death benefits for firefighters; amending s. 120.541,  
6378 F.S.; revising a cross-reference to conform with  
6379 changes made in the act; amending s. 196.081, F.S.;  
6380 revising a cross-reference to conform with changes  
6381 made in the act; amending s. 633.167, F.S.; deleting a  
6382 provision providing for terms and conditions of  
6383 probation; amending s. 633.517, F.S.; deleting a  
6384 provision authorizing the State Fire Marshal to  
6385 administer oaths and take testimony; amending s.  
6386 791.012, F.S., relating to minimum fireworks safety  
6387 standards; updating a reference; amending s. 791.015,  
6388 F.S.; authorizing seasonal retailers of sparklers to  
6389 submit one registration form for multiple locations;  
6390 requiring each seasonal retailer of sparklers to pay  
6391 an annual registration fee for each retail location  
6392 registered; repealing s. 633.024, F.S., relating to



360216

6393 legislative findings and intent with respect to  
6394 ensuring effective fire protection of vulnerable  
6395 nursing home residents, the expedited retrofit of  
6396 existing nursing homes through a limited state loan  
6397 guarantee, and funding thereof; repealing s. 633.0245,  
6398 F.S., relating to the State Fire Marshal Nursing Home  
6399 Fire Protection Loan Guarantee Program; repealing s.  
6400 633.03, F.S., relating to investigations of fire and  
6401 reports; repealing s. 633.0421, F.S., relating to  
6402 preemption of the reduced cigarette ignition  
6403 propensity standard by the state; repealing s. 633.13,  
6404 F.S., relating to the authority of State Fire Marshal  
6405 agents; repealing s. 633.18, F.S., relating to  
6406 hearings and investigations by the State Fire Marshal;  
6407 repealing s. 633.30, F.S., relating to definitions  
6408 with respect to standards for firefighting; repealing  
6409 s. 633.32, F.S., relating to organization, meetings,  
6410 quorum, compensation, and seal of the Firefighters  
6411 Employment, Standards, and Training Council; repealing  
6412 s. 633.33, F.S., relating to special powers of the  
6413 Firefighters Employment, Standards, and Training  
6414 Council in connection with the employment and training  
6415 of firefighters; repealing s. 633.37, F.S., relating  
6416 to payment of tuition at approved training programs by  
6417 the employing agency; repealing s. 633.445, F.S.,  
6418 relating to the State Fire Marshal Scholarship Grant  
6419 Program; repealing s. 633.46, F.S., relating to  
6420 authority of the Division of State Fire Marshal to fix  
6421 and collect admission fees and other fees it deems



360216

6422 necessary to be charged for training; repealing s.  
6423 633.514, F.S., relating to Florida Fire Safety Board  
6424 duties, meetings, officers, quorum, and compensation;  
6425 repealing s. 633.524, F.S., relating to certificate  
6426 and permit fees assessed under ch. 633, F.S., and the  
6427 use and deposit thereof; repealing s. 633.804, F.S.,  
6428 relating to the adoption of rules governing  
6429 firefighter employer and firefighter employee safety  
6430 inspections and consultations; repealing s. 633.808,  
6431 F.S., relating to division authority; repealing s.  
6432 633.810, F.S., relating to workplace safety committees  
6433 and safety coordinators; repealing s. 633.813, F.S.,  
6434 relating to cancellation of an insurance policy for  
6435 failure to implement a safety and health program;  
6436 repealing s. 633.815, F.S., relating to penalties for  
6437 refusing entry to a firefighter place of employment  
6438 for the purposes of investigations or inspections by  
6439 the division; repealing s. 633.819, F.S., relating to  
6440 matters within the jurisdiction of the division and  
6441 fraudulent acts, penalties, and statute of  
6442 limitations; repealing s. 633.820, F.S., relating to  
6443 the applicability of specified sections of ch. 633,  
6444 F.S., to volunteer firefighters and volunteer fire  
6445 departments; amending ss. 112.1815, 112.191, 112.81,  
6446 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56,  
6447 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45,  
6448 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915,  
6449 429.41, 429.44, 429.73, 447.203, 468.602, 468.609,  
6450 489.103, 489.105, 496.404, 509.032, 513.05, 553.73,



360216

6451 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03,  
6452 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.;  
6453 conforming cross-references; updating terminology;  
6454 providing an effective date.