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LEGISLATIVE ACTION

Senate

House

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Floor: 2/AD/2R

04/24/2013 11:30 AM

Senator Simmons moved the following:

Senate Amendment

Delete lines 2186 - 2347

and insert:

Section 27. Section 633.081, Florida Statutes, is transferred, renumbered as section 633.216, Florida Statutes, and amended to read:

633.216 ~~633.081~~ Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that



458420

14 a violation of this chapter or s. 509.215, or a rule adopted
15 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by
16 the State Fire Marshal or a local authority, may exist, inspect
17 any and all buildings and structures which are subject to the
18 requirements of this chapter or s. 509.215 and rules adopted
19 ~~promulgated~~ thereunder. The authority to inspect shall extend to
20 all equipment, vehicles, and chemicals which are located on or
21 within the premises of any such building or structure.

22 (1) Each county, municipality, and special district that
23 has firesafety enforcement responsibilities shall employ or
24 contract with a firesafety inspector. Except as provided in s.
25 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must
26 conduct all firesafety inspections that are required by law. The
27 governing body of a county, municipality, or special district
28 that has firesafety enforcement responsibilities may provide a
29 schedule of fees to pay only the costs of inspections conducted
30 pursuant to this subsection and related administrative expenses.
31 Two or more counties, municipalities, or special districts that
32 have firesafety enforcement responsibilities may jointly employ
33 or contract with a firesafety inspector.

34 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
35 firesafety inspection conducted pursuant to state or local
36 firesafety requirements shall be by a person certified as having
37 met the inspection training requirements set by the State Fire
38 Marshal. Such person shall meet the requirements of s.
39 633.412(1)(a)-(d), and:

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

42 (b) ~~Not have been found guilty of, or having pleaded guilty~~



458420

43 ~~or nolo contendere to, a felony or a crime punishable by~~
44 ~~imprisonment of 1 year or more under the law of the United~~
45 ~~States, or of any state thereof, which involves moral turpitude,~~
46 ~~without regard to whether a judgment of conviction has been~~
47 ~~entered by the court having jurisdiction of such cases;~~

48 ~~(c) Have her or his fingerprints on file with the~~
49 ~~department or with an agency designated by the department;~~

50 ~~(d) Have good moral character as determined by the~~
51 ~~department;~~

52 ~~(e) Be at least 18 years of age;~~

53 ~~(f) Have satisfactorily completed the firesafety inspector~~
54 ~~certification examination as prescribed by division rule ~~the~~~~
55 ~~department; and~~

56 ~~(b)(g)1. Have satisfactorily completed, as determined by~~
57 ~~division rule ~~the department~~, a firesafety inspector training~~
58 ~~program of at least ~~not less than~~ 200 hours established by the~~
59 ~~department and administered by education or training providers~~
60 ~~agencies and institutions approved by the department for the~~
61 ~~purpose of providing basic certification training for firesafety~~
62 ~~inspectors; or~~

63 ~~2. Have received in another state training in another state~~
64 ~~which is determined by the division ~~department~~ to be at least~~
65 ~~equivalent to that required by the department for approved~~
66 ~~firesafety inspector education and training programs in this~~
67 ~~state.~~

68 (3) (a) 1. Effective July 1, 2013, the classification of
69 special state firesafety inspector is abolished, and all special
70 state firesafety inspector certifications shall expire at
71 midnight June 30, 2013.



458420

72 2. Any person who is a special state firesafety inspector
73 on June 30, 2013, and who has failed to comply with paragraph
74 (b) or paragraph (c) may not perform any firesafety inspection
75 required by law.

76 3. A special state firesafety inspector certificate may not
77 be issued after June 30, 2011.

78 (b)1. Any person who is a special state firesafety
79 inspector on July 1, 2011, and who has at least 5 years of
80 experience as a special state firesafety inspector as of July 1,
81 2011, may take the firesafety inspection examination as provided
82 in paragraph (2)(f) for firesafety inspectors before July 1,
83 2013, to be certified as a firesafety inspector under this
84 section.

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

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

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

92 a. Is a special state firesafety inspector on July 1, 2011,
93 and who does not have 5 years of experience as a special state
94 firesafety inspector as of July 1, 2011; or

95 b. Has 5 years of experience as a special state firesafety
96 inspector but has failed the examination taken as provided in
97 paragraph (2)(a) ~~(2)(f)~~, must take an additional 80 hours of the
98 courses described in paragraph (2)(b) ~~(2)(g)~~.

99 2. After successfully completing the courses described in
100 this paragraph, such person may take the firesafety inspection



458420

101 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such
102 examination is taken before July 1, 2013.

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

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

108 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
109 may conduct firesafety inspections, under the supervision of a
110 certified firesafety inspector, while on duty as a member of a
111 fire department company conducting inservice firesafety
112 inspections without being certified as a firesafety inspector,
113 if such firefighter has satisfactorily completed an inservice
114 fire department company inspector training program of at least
115 24 hours' duration as provided by rule of the department.

116 (5) Every firesafety inspector certificate is valid for a
117 period of 4 ~~3~~ years from the date of issuance. Renewal of
118 certification is subject to the affected person's completing
119 proper application for renewal and meeting all of the
120 requirements for renewal as established under this chapter or by
121 rule adopted under this chapter, which must ~~shall~~ include
122 completion of at least 54 ~~40~~ hours during the preceding 4-year
123 ~~3-year~~ period of continuing education as required by the rule of
124 the department or, in lieu thereof, successful passage of an
125 examination as established by the department.

126 (6) A previously certified firesafety inspector whose
127 certification has lapsed for 8 years or more must repeat the
128 fire safety inspector training as specified by the division.

129 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,



458420

130 suspend, or revoke the certificate of a firesafety inspector if
131 the State Fire Marshal finds that any of the following grounds
132 exist:

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

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

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

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

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

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

146 (e) ~~(g)~~ Making or filing a report or record that the
147 certificateholder knows to be false, or knowingly inducing
148 another to file a false report or record, or knowingly failing
149 to file a report or record required by state or local law, or
150 knowingly impeding or obstructing such filing, or knowingly
151 inducing another person to impede or obstruct such filing.

152 (f) ~~(h)~~ Failing to properly enforce applicable fire codes or
153 permit requirements within this state which the
154 certificateholder knows are applicable by committing willful
155 misconduct, gross negligence, gross misconduct, repeated
156 negligence, or negligence resulting in a significant danger to
157 life or property.

158 (g) ~~(i)~~ Accepting labor, services, or materials at no charge



458420

159 or at a noncompetitive rate from a ~~any~~ person who performs work
160 that is under the enforcement authority of the certificateholder
161 and who is not an immediate family member of the
162 certificateholder. For the purpose of this paragraph, the term
163 "immediate family member" means a spouse, child, parent,
164 sibling, grandparent, aunt, uncle, or first cousin of the person
165 or the person's spouse or a ~~any~~ person who resides in the
166 primary residence of the certificateholder.

167 (8) ~~(7)~~ The division of ~~State Fire Marshal~~ and the Florida
168 Building Code Administrators and Inspectors Board, established
169 pursuant to s. 468.605, shall enter into a reciprocity agreement
170 to facilitate joint recognition of continuing education
171 recertification hours for certificateholders licensed under s.
172 468.609 and firesafety inspectors certified under subsection
173 (2).

174 (9) ~~(8)~~ The State Fire Marshal shall develop by rule an
175 advanced training and certification program for firesafety
176 inspectors having fire code management responsibilities. The
177 program must be consistent with the appropriate provisions of
178 NFPA 1037, or similar standards adopted by the division, and
179 establish minimum training, education, and experience levels for
180 firesafety inspectors having fire code management
181 responsibilities.

182 (10) ~~(9)~~ The department shall provide by rule for the
183 certification of firesafety inspectors and Fire Code
184 Administrators.