



911036

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Community Affairs (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 630 - 2371  
and insert:  
systems.

(b) "Contractor II" means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam -water spray systems, standpipes, combination standpipes and sprinkler risers, all piping that is an integral part of the system beginning at the point of service



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13 as defined in this section, sprinkler tank heaters, air lines,  
14 thermal systems used in connection with sprinklers, and tanks  
15 and pumps connected thereto, excluding preengineered systems.

16 (c) "Contractor III" means a contractor whose business is  
17 limited to the execution of contracts requiring the ability to  
18 fabricate, install, inspect, alter, repair, and service carbon  
19 dioxide ~~CO2~~ systems, foam extinguishing systems, dry chemical  
20 systems, and Halon and other chemical systems, excluding  
21 preengineered systems.

22 (d) "Contractor IV" means a contractor whose business is  
23 limited to the execution of contracts requiring the ability to  
24 lay out, fabricate, install, inspect, alter, repair, and service  
25 automatic fire sprinkler systems for detached one-family  
26 dwellings, detached two-family dwellings, and mobile homes,  
27 excluding preengineered systems and excluding single-family  
28 homes in cluster units, such as apartments, condominiums, and  
29 assisted living facilities or any building that is connected to  
30 other dwellings. A Contractor IV is limited to the scope of  
31 practice specified in NFPA 13D.

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

39  
40 The definitions in this subsection may ~~must~~ not be construed to  
41 include ~~fire protection~~ engineers or architects and do not limit



42 or prohibit a licensed fire protection engineer or architect  
43 with fire protection design experience from designing any type  
44 of fire protection system. A distinction is made between system  
45 design concepts prepared by the design professional and system  
46 layout as defined in this section and typically prepared by the  
47 contractor. However, a person ~~persons~~ certified as a Contractor  
48 I, Contractor II, or Contractor IV under this chapter may design  
49 fire protection systems of 49 or fewer sprinklers, and may  
50 design the alteration of an existing fire sprinkler system if  
51 the alteration consists of the relocation, addition, or deletion  
52 of not more than 49 sprinklers, notwithstanding the size of the  
53 existing fire sprinkler system. A person certified as a  
54 Contractor I, Contractor II, or Contractor IV may design a fire  
55 protection system the scope of which complies with NFPA 13D,  
56 Standard for the Installation of Sprinkler Systems in One- and  
57 Two-Family Dwellings and Manufactured Homes, as adopted by the  
58 State Fire Marshal, notwithstanding the number of fire  
59 sprinklers. Contractor-developed plans may not be required by  
60 any local permitting authority to be sealed by a registered  
61 professional engineer.

62 (4) "Department" means the Department of Financial  
63 Services.

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

66 (6) "Explosives" means any chemical compound or mixture  
67 that has the property of yielding readily to combustion or  
68 oxidation upon the application of heat, flame, or shock and is  
69 capable of producing an explosion and is commonly used for that  
70 purpose, including but not limited to dynamite, nitroglycerin,



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71 trinitrotoluene, ammonium nitrate when combined with other  
72 ingredients to form an explosive mixture, blasting caps, and  
73 detonators; but the term does not include cartridges for  
74 firearms or fireworks as defined in chapter 791.

75 (7) (a) "Fire equipment dealer Class A" means a licensed  
76 fire equipment dealer whose business is limited to servicing,  
77 recharging, repairing, installing, or inspecting all types of  
78 fire extinguishers and conducting hydrostatic tests on all types  
79 of fire extinguishers.

80 (b) "Fire equipment dealer Class B" means a licensed fire  
81 equipment dealer whose business is limited to servicing,  
82 recharging, repairing, installing, or inspecting all types of  
83 fire extinguishers, including recharging carbon dioxide units  
84 and conducting hydrostatic tests on all types of fire  
85 extinguishers, except carbon dioxide units.

86 (c) "Fire equipment dealer Class C" means a licensed fire  
87 equipment dealer whose business is limited to servicing,  
88 recharging, repairing, installing, or inspecting all types of  
89 fire extinguishers, except recharging carbon dioxide units, and  
90 conducting hydrostatic tests on all types of fire extinguishers,  
91 except carbon dioxide units.

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

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

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

98 (b) Is manually operated.

99 (c) May use a variety of extinguishing agents that are



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100 expelled under pressure.

101 (d) Is rechargeable or nonrechargeable.

102 (e) Is installed, serviced, repaired, recharged, inspected,  
103 and hydrottested according to applicable procedures of the  
104 manufacturer, standards of the National Fire Protection  
105 Association, and the Code of Federal Regulations.

106 (f) Is listed by a nationally recognized testing  
107 laboratory.

108 (9) "Firefighter" means an individual who holds a current  
109 and valid Firefighter Certificate of Compliance or Special  
110 Certificate of Compliance issued by the division under s.  
111 633.408.

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

115 (11)-(9) A "Fire hydrant" means ~~is~~ a connection to a water  
116 main, elevated water tank, or other source of water for the  
117 purpose of supplying water to a fire hose or other fire  
118 protection apparatus for fire suppression operations. The term  
119 does not include a fire protection system.

120 (12)-(10) A "Fire protection system" means ~~is~~ a system  
121 individually designed to protect the interior or exterior of a  
122 specific building or buildings, structure, or other special  
123 hazard from fire. Such systems include, but are not limited to,  
124 water sprinkler systems, water spray systems, foam-water  
125 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~  
126 systems, foam extinguishing systems, dry chemical systems, and  
127 Halon and other chemical systems used for fire protection use.  
128 Such systems also include any overhead and underground fire



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129 mains, fire hydrants and hydrant mains, standpipes and hoses  
130 connected to sprinkler systems, sprinkler tank heaters, air  
131 lines, thermal systems used in connection with fire sprinkler  
132 systems, and tanks and pumps connected to fire sprinkler  
133 systems.

134 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual  
135 who holds a current and valid Fire Safety Inspector Certificate  
136 of Compliance issued ~~certified~~ by the division ~~State Fire~~  
137 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned  
138 the duties of conducting firesafety inspections of buildings and  
139 facilities on a recurring or regular basis on behalf of the  
140 state or any county, municipality, or special district with fire  
141 safety responsibilities.

142 (14) "Fire service provider" means a municipality or  
143 county, the state, or any political subdivision of the state,  
144 including authorities and special districts, employing  
145 firefighters or utilizing volunteer firefighters to provide fire  
146 extinguishment or fire prevention services for the protection of  
147 life and property. The term includes any organization under  
148 contract or other agreement with such entity to provide such  
149 services.

150 (15)~~(12)~~ "Handling" means touching, holding, taking up,  
151 moving, controlling, or otherwise affecting with the hand or by  
152 any other agency.

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

155 ~~1. That contains combustible or explosive matter or~~  
156 ~~flammable conditions dangerous to the safety of life or~~  
157 ~~property.~~



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- 158       ~~2. In which persons receive educational instruction.~~  
159       ~~3. In which persons reside, excluding private dwellings.~~  
160       ~~4. Containing three or more floor levels.~~

161  
162       ~~Such buildings or structures include, but are not limited to,~~  
163       ~~all hospitals and residential health care facilities, nursing~~  
164       ~~homes and other adult care facilities, correctional or detention~~  
165       ~~facilities, public schools, public lodging establishments,~~  
166       ~~migrant labor camps, residential child care facilities, and~~  
167       ~~self-service gasoline stations.~~

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

173       ~~(16)-(14)~~ "Highway" means every way or place of whatever  
174       nature within the state open to the use of the public, as a  
175       matter of right, for purposes of vehicular traffic and includes  
176       public streets, alleys, roadways, or driveways upon grounds of  
177       colleges, universities, and institutions and other ways open to  
178       travel by the public, notwithstanding that the same have been  
179       temporarily closed for the purpose of construction,  
180       reconstruction, maintenance, or repair. The term does not  
181       include a roadway or driveway upon grounds owned by a private  
182       person.

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

186       ~~(18)-(15)~~ "Keeping" means possessing, holding, retaining,



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187 maintaining, or having habitually in stock for sale.

188 (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout  
189 of risers, cross mains, branch lines, sprinkler heads, sizing of  
190 pipe, hanger locations, and hydraulic calculations in accordance  
191 with the design concepts established through ~~the provisions of~~  
192 the Responsibility Rules adopted by the Board of Professional  
193 Engineers.

194 (20)~~(17)~~ "Manufacture" means the compounding, combining,  
195 producing, or making of anything or the working of anything by  
196 hand, by machinery, or by any other agency into forms suitable  
197 for use.

198 (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a  
199 requirement or group of requirements adopted pursuant to s.  
200 633.208 ~~633.025~~ by a county, municipality, or special district  
201 with firesafety responsibilities, or by the State Fire Marshal  
202 pursuant to s. 394.879, for the protection of life and property  
203 from loss by fire which shall be met, as a minimum, by every  
204 occupancy, facility, building, structure, premises, device, or  
205 activity to which it applies.

206 (22) "Minimum Standards Course" means training of at least  
207 360 hours as prescribed by rule adopted by the division which is  
208 required to obtain a Firefighter Certificate of Compliance under  
209 s. 633.408.

210 (23)~~(19)~~ "Motor vehicle" means any device propelled by  
211 power other than muscular power in, upon, or by which any  
212 individual person or property is or may be transported or drawn  
213 upon a highway, except a device moved or used exclusively upon  
214 stationary rails or tracks.

215 (24)~~(20)~~ "Point-of-service" means the point at which the





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216 underground piping for a fire protection system as defined in  
217 this section using water as the extinguishing agent becomes used  
218 exclusively for the fire protection system.

219 (25)~~(21)~~(a) A "Preengineered system" means ~~is~~ a fire  
220 suppression system which:

- 221 1. Uses any of a variety of extinguishing agents.
- 222 2. Is designed to protect specific hazards.
- 223 3. Must be installed according to pretested limitations and  
224 configurations specified by the manufacturer and applicable  
225 National Fire Protection Association (NFPA) standards. Only  
226 those chapters within the National Fire Protection Association  
227 standards which ~~that~~ pertain to servicing, recharging,  
228 repairing, installing, hydrotesting, or inspecting any type of  
229 preengineered fire extinguishing system may be used.
- 230 4. Must be installed using components specified by the  
231 manufacturer or components that are listed as equal parts by a  
232 nationally recognized testing laboratory such as Underwriters  
233 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
- 234 5. Must be listed by a nationally recognized testing  
235 laboratory.

236 (b) Preengineered systems consist of and include all of the  
237 components and parts providing fire suppression protection, but  
238 do not include the equipment being protected, and may  
239 incorporate special nozzles, flow rates, methods of application,  
240 pressurization levels, and quantities of agents designed by the  
241 manufacturer for specific hazards.

242 (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,  
243 aircraft, or vessel operating intrastate in which there is  
244 identity of ownership between freight and carrier.



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245        ~~(27)-(23)~~ "Sale" means the act of selling; the act whereby  
246 the ownership of property is transferred from one person to  
247 another for a sum of money or, loosely, for any consideration.  
248 The term includes the delivery of merchandise with or without  
249 consideration.

250        ~~(28)-(24)~~ "Special state firesafety inspector" means an  
251 individual officially assigned to the duties of conducting  
252 firesafety inspections required by law on behalf of or by an  
253 agency of the state having authority for inspections other than  
254 the division ~~of State Fire Marshal~~.

255        ~~(29)-(25)~~ A "Sprinkler system" means ~~is~~ a type of fire  
256 protection system, ~~either~~ manual or automatic, using water as an  
257 extinguishing agent and installed in accordance with applicable  
258 National Fire Protection Association standards.

259        ~~(30)-(26)~~ "Storing" means accumulating, laying away, or  
260 depositing for preservation or as a reserve fund in a store,  
261 warehouse, or other source from which supplies may be drawn or  
262 within which they may be deposited. The term is limited in  
263 meaning and application to storage having a direct relationship  
264 to transportation.

265        (31) "Support services" means those activities that a fire  
266 service provider has trained an individual to perform safely  
267 outside the hot zone of an emergency scene, including pulling  
268 hoses, opening and closing fire hydrants, driving and operating  
269 apparatus, carrying tools, carrying or moving equipment,  
270 directing traffic, manning a resource pool, or similar  
271 activities.

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



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274        ~~(33)(27)~~ "Transportation" means the conveying or carrying  
275 of property from one place to another by motor vehicle (except a  
276 motor vehicle subject to ~~the provisions of~~ s. 316.302),  
277 aircraft, or vessel, subject to such limitations as are set  
278 forth in s. 552.12, in which only the motor vehicles, aircraft,  
279 or vessels of the Armed Forces and other federal agencies are  
280 specifically exempted.

281        ~~(34)(28)~~ A "Uniform firesafety standard" means ~~is~~ a  
282 requirement or group of requirements for the protection of life  
283 and property from loss by fire which shall be met by every  
284 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
285 is not ~~neither~~ weakened ~~or~~ nor exceeded by law, rule, or  
286 ordinance of any other state agency or political subdivision or  
287 county, municipality, or special district with firesafety  
288 responsibilities.

289        ~~(35)(29)~~ "Use" means application, employment; that  
290 enjoyment of property which consists of its employment,  
291 occupation, exercise, or practice.

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

295        Section 3. Section 633.01, Florida Statutes, is transferred  
296 and renumbered as section 633.104, Florida Statutes, subsections  
297 (1), (3), (5), (6), and (7) of that section are amended, and  
298 subsections (8) and (9) are added to that section, to read:

299        633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~  
300 duties; rules.—

301        (1) The Chief Financial Officer is designated as "State  
302 Fire Marshal." The State Fire Marshal has authority to adopt



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303 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
304 ~~provisions of this chapter conferring powers or duties upon the~~  
305 ~~department~~. Rules must ~~shall~~ be in substantial conformity with  
306 generally accepted standards of firesafety; must ~~shall~~ take into  
307 consideration the direct supervision of children in  
308 nonresidential child care facilities; and must ~~shall~~ balance and  
309 temper the need of the State Fire Marshal to protect all  
310 Floridians from fire hazards with the social and economic  
311 inconveniences that may be caused or created by the rules. The  
312 department shall adopt the Florida Fire Prevention Code ~~and the~~  
313 ~~Life Safety Code~~.

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

317 (5) It is the intent of the Legislature that there are to  
318 be no conflicting requirements between the Florida Fire  
319 Prevention Code ~~and the Life Safety Code authorized by this~~  
320 ~~chapter~~ and ~~the provisions of~~ the Florida Building Code or  
321 conflicts in their enforcement and interpretation. Potential  
322 conflicts shall be resolved through coordination and cooperation  
323 of the State Fire Marshal and the Florida Building Commission as  
324 provided by this chapter and part IV of chapter 553.

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

330 (7) The State Fire Marshal, in consultation with the  
331 Department of Education, shall adopt and administer rules



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332 prescribing standards for the safety and health of occupants of  
333 educational and ancillary facilities pursuant to ss. 633.206  
334 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any  
335 county, municipality, or special district that does not employ  
336 or appoint a firesafety inspector certified under s. 633.216  
337 ~~633.081~~, the State Fire Marshal shall assume the duties of the  
338 local county, municipality, or independent special fire control  
339 district as defined in s. 191.003 with respect to firesafety  
340 inspections of educational property required under s.  
341 1013.12(3)(b), and the State Fire Marshal may take necessary  
342 corrective action as authorized under s. 1013.12(7).

343 (8) The State Fire Marshal or her or his duly appointed  
344 hearing officer may administer oaths and take testimony about  
345 all matters within the jurisdiction of this chapter. Chapter 120  
346 governs hearings conducted by or on behalf of the State Fire  
347 Marshal.

348 (9) The State Fire Marshal may contract with any qualified  
349 public entity or private company in accordance with chapter 287  
350 to provide examinations for any applicant for any examination  
351 administered under the jurisdiction of the State Fire Marshal.  
352 The State Fire Marshal may direct payments from each applicant  
353 for each examination directly to such contracted entity or  
354 company.

355 Section 4. Section 633.163, Florida Statutes, is  
356 transferred, renumbered as section 633.106, Florida Statutes,  
357 and amended to read:

358 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;  
359 administrative fine and probation in lieu of suspension,  
360 revocation, or refusal to issue a license, permit, or



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361 certificate.-

362 (1) The State Fire Marshal may deny, suspend, or revoke the  
363 license, certificate, or permit of any individual who does not  
364 meet the qualifications established by, or who violates any  
365 provision under, this chapter or any rule authorized by this  
366 chapter.

367 (2)~~(1)~~ If the State Fire Marshal finds that one or more  
368 grounds exist for the suspension, revocation, or refusal to  
369 issue, renew, or continue any license, certificate, or permit  
370 issued under this chapter, the State Fire Marshal may, in its  
371 discretion, in lieu of the suspension, revocation, or refusal to  
372 issue, renew, or continue, and, except on a second offense or  
373 when the suspension, revocation, or refusal to issue, renew, or  
374 continue is mandatory, impose upon the licensee,  
375 certificateholder, or permittee one or more of the following:

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

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

381 (3)~~(2)~~ The State Fire Marshal may allow the licensee,  
382 certificateholder, or permittee a reasonable period, not to  
383 exceed 30 days, within which to pay to the State Fire Marshal  
384 the amount of the fine. If the licensee, certificateholder, or  
385 permittee fails to pay the administrative fine in its entirety  
386 to the State Fire Marshal within such period, the license,  
387 permit, or certificate shall stand suspended until payment of  
388 the administrative fine.

389 (4) As a condition to probation or in connection therewith,



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390 the State Fire Marshal may specify in her or his order  
391 reasonable terms and conditions to be fulfilled by the  
392 probationer during the probation period. If during the probation  
393 period the State Fire Marshal has good cause to believe that the  
394 probationer has violated any of the terms and conditions, she or  
395 he shall suspend, revoke, or refuse to issue, renew, or continue  
396 the license, certificate, or permit of the probationer, as upon  
397 the original ground or grounds referred to in subsection (2).

398 Section 5. Section 633.15, Florida Statutes, is transferred  
399 and renumbered as section 633.108, Florida Statutes.

400 Section 6. Section 633.101, Florida Statutes, is  
401 transferred, renumbered as section 633.112, Florida Statutes,  
402 and amended to read:

403 633.112 ~~633.101~~ State Fire Marshal; hearings;  
404 investigations; recordkeeping and reports; subpoenas of  
405 witnesses; orders of circuit court investigatory powers of State  
406 Fire Marshal; costs of service and witness fees.-

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

411 (2) If the State Fire Marshal is ~~shall be~~ of the opinion  
412 that there is sufficient evidence to charge a ~~any~~ person with an  
413 offense, he or she must ~~shall~~ cause the arrest of such person  
414 and must ~~shall~~ furnish to the prosecuting officer of any court  
415 having jurisdiction of the ~~said~~ offense all information obtained  
416 by him or her, including a copy of all pertinent and material  
417 testimony taken, together with the names and addresses of all  
418 witnesses. In the conduct of such investigations, the State Fire



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419 Marshal may request such assistance as may reasonably be given  
420 by such prosecuting officers and other local officials.

421 (3) The State Fire Marshal may summon and compel the  
422 attendance of witnesses before him or her to testify in relation  
423 to any matter ~~manner~~ which is, by ~~the provisions of~~ this  
424 chapter, a subject of inquiry and investigation, and he or she  
425 may require the production of any book, paper, or document  
426 deemed pertinent thereto by him or her, and may seize furniture  
427 and other personal property to be held for evidence.

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

434 (5) Any agent designated by the State Fire Marshal for such  
435 purposes, may hold hearings, sign and issue subpoenas,  
436 administer oaths, examine witnesses, receive evidence, and  
437 require by subpoena the attendance and testimony of witnesses  
438 and the production of such accounts, records, memoranda, or  
439 other evidence, as may be material for the determination of any  
440 complaint or conducting any inquiry or investigation under this  
441 chapter. In the case of disobedience to a subpoena, the State  
442 Fire Marshal or her or his agent may invoke the aid of any court  
443 of competent jurisdiction in requiring the attendance and  
444 testimony of witnesses and the production of accounts, records,  
445 memoranda, or other evidence and any such court may in case of  
446 refusal to obey a subpoena issued to a person, issue an order  
447 requiring the person to appear before the State Fire Marshal's





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448 agent or produce accounts, records, memoranda, or other  
449 evidence, as so ordered, or to give evidence touching any matter  
450 pertinent to any complaint or the subject of any inquiry or  
451 investigation, and any failure to obey such order of the court  
452 shall be punished by the court as contempt.

453 (6) Upon request, the State Fire Marshal shall investigate  
454 the cause, origin, and circumstances of fires and explosions  
455 occurring in this state wherein property has been damaged or  
456 destroyed and there is probable cause to believe that the fire  
457 or explosion was the result of carelessness or design.

458 (a) Any time a fire or explosion has occurred which results  
459 in property damage or destruction in any municipality, county,  
460 or special district having an organized fire department, any  
461 local fire official whose intent is to request the State Fire  
462 Marshal to perform an investigation shall make or shall cause to  
463 be made an initial investigation of the circumstances  
464 surrounding the cause and origin of the fire or explosion. Law  
465 enforcement officers may conduct such initial investigation.

466 (b) If the fire or explosion occurs in a municipality,  
467 county, or special district that does not have an organized fire  
468 department or designated arson investigations unit within its  
469 law enforcement providers, the municipality, county, or special  
470 district may request the State Fire Marshal to conduct the  
471 initial investigation.

472 (c) The division shall adopt rules to assist local fire  
473 officials and law enforcement officers in determining the  
474 established responsibilities with respect to the initial or  
475 preliminary assessment of fire and explosion scenes, and the  
476 determination of whether probable cause exists to refer such



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477 scenes to the State Fire Marshal for an investigation.

478 Section 7. Section 633.111, Florida Statutes, is  
479 transferred, renumbered as subsections (7) and (8) of section  
480 633.112, Florida Statutes, and amended to read:

481 633.112 State Fire Marshal; hearings; investigations;  
482 recordkeeping and reports; subpoenas of witnesses; orders of  
483 circuit court investigatory powers of State Fire Marshal; costs  
484 of service and witness fees.-

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



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506 ceases to be active, unless the State Fire Marshal consents.  
507 These records shall be made daily from the reports furnished the  
508 State Fire Marshal by her or his agents or others.

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

518 Section 8. Section 633.02, Florida Statutes, is  
519 transferred, renumbered as section 633.114, Florida Statutes,  
520 and amended to read:

521 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents; authority;~~  
522 ~~powers and duties; compensation.-~~

523 (1) The State Fire Marshal shall appoint such agents as may  
524 be necessary to carry out effectively ~~the provisions of this~~  
525 chapter, who shall be reimbursed for travel expenses as provided  
526 in s. 112.061, in addition to their salary, when traveling or  
527 making investigations in the performance of their duties. Such  
528 agents shall be at all times under the direction and control of  
529 the State Fire Marshal, who shall fix their compensation, and  
530 all orders shall be issued in the State Fire Marshal's name and  
531 by her or his authority.

532 (2) The authority given the State Fire Marshal under this  
533 chapter may be exercised by her or his agents, individually or  
534 in conjunction with any other state or local official charged



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535 with similar responsibilities.

536 Section 9. Section 633.14, Florida Statutes, is transferred  
537 and renumbered as section 633.116, Florida Statutes.

538 Section 10. Section 633.121, Florida Statutes, is  
539 transferred, renumbered as section 633.118, Florida Statutes,  
540 and amended to read:

541 633.118 ~~633.121~~ Persons authorized to enforce laws and  
542 rules of State Fire Marshal.—The chiefs of county, municipal,  
543 and special-district fire service providers ~~departments~~; other  
544 fire service provider ~~department~~ personnel designated by their  
545 respective chiefs; and personnel designated by local governments  
546 having no organized fire service providers ~~departments~~ are  
547 authorized to enforce this chapter law and all rules prescribed  
548 by the State Fire Marshal within their respective jurisdictions.  
549 Such personnel acting under the authority of this section shall  
550 be ~~deemed to be~~ agents of their respective jurisdictions, not  
551 agents of the State Fire Marshal.

552 Section 11. Section 633.151, Florida Statutes, is  
553 transferred, renumbered as section 633.122, Florida Statutes,  
554 and amended to read:

555 633.122 ~~633.151~~ Impersonating State Fire Marshal,  
556 firefighter ~~firefighters~~, volunteer firefighter, or firesafety  
557 inspector; criminal penalties.—A person who falsely assumes or  
558 pretends to be the State Fire Marshal, an agent of the division  
559 ~~of State Fire Marshal~~, a firefighter as ~~defined in s. 112.81~~, a  
560 volunteer firefighter, or a firesafety inspector by identifying  
561 herself or himself as the State Fire Marshal, an agent of the  
562 division, a firefighter, a volunteer firefighter, or a  
563 firesafety inspector by wearing a uniform or presenting or



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564 displaying a badge as credentials that would cause a reasonable  
565 person to believe that she or he is a State Fire Marshal, an  
566 agent of the division, a firefighter, a volunteer firefighter,  
567 or firesafety inspector commits ~~and who acts as such to require~~  
568 ~~a person to aid or assist him or her in any matter relating to~~  
569 ~~the duties of the State Fire Marshal, an agent of the division,~~  
570 ~~a firefighter, or a firesafety inspector is guilty of a felony~~  
571 of the third degree, punishable as provided in ss. 775.082 and  
572 775.083 or, if the impersonation occurs during the commission of  
573 a separate felony by that person, commits ~~is guilty of~~ a felony  
574 of the first degree, punishable as provided in ss. 775.082 and  
575 775.083.

576 Section 12. Section 633.171, Florida Statutes, is  
577 transferred and renumbered as section 633.124, Florida Statutes,  
578 and subsections (1) and (2) and paragraph (b) of subsection (3)  
579 of that section are amended, to read:

580 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
581 order to cease and desist or for failure to comply with  
582 corrective order.—

583 (1) A ~~Any~~ person who violates any provision of this chapter  
584 ~~law~~, any order or rule of the State Fire Marshal, or any order  
585 to cease and desist or to correct conditions issued under this  
586 chapter commits a misdemeanor of the second degree, punishable  
587 as provided in s. 775.082 or s. 775.083.

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

591 (a) Render a fire protection system, fire extinguisher, or  
592 preengineered system required by statute or by rule inoperative



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593 except while ~~during such time as~~ the fire protection system,  
594 fire extinguisher, or preengineered system is being serviced,  
595 hydrotested, tested, repaired, or recharged, except pursuant to  
596 court order.

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

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

601 (d) Use the license, certificate, or permit ~~number~~ of  
602 another person.

603 (e) Hold a license, certificate, or permit and allow  
604 another person to use the license, certificate, or ~~said~~ permit  
605 ~~number~~.

606 (f) Use, or allow ~~permit~~ the use of, any license,  
607 certificate, or permit by any individual or organization other  
608 than the one to whom the license, certificate, or permit is  
609 issued.

610 (3)

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

614 1. The structure has a fire protection system installed in  
615 compliance with s. 633.334 ~~633.065~~.

616 2. The owner of the structure has authorized in writing the  
617 pyrotechnic display.

618 3. If the local jurisdiction requires a permit for the use  
619 of a pyrotechnic display in an occupied structure, such permit  
620 has been obtained and all conditions of the permit complied with  
621 or, if the local jurisdiction does not require a permit for the



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622 use of a pyrotechnic display in an occupied structure, the  
623 person initiating the display has complied with National Fire  
624 Protection Association, Inc., Standard 1126, 2001 Edition,  
625 Standard for the Use of Pyrotechnics before a Proximate  
626 Audience.

627 Section 13. Section 633.175, Florida Statutes, is  
628 transferred and renumbered as section 633.126, Florida Statutes,  
629 and subsections (1), (2), (3), (6), and (9) of that section are  
630 amended, to read:

631 633.126 ~~633.175~~ Investigation of fraudulent insurance  
632 claims and crimes; immunity of insurance companies supplying  
633 information.-

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

638 (b) The State Fire Marshal or an agent appointed pursuant  
639 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
640 s. 111.065, any law enforcement officer of a federal agency, or  
641 any fire service provider ~~department~~ official who is engaged in  
642 the investigation of a fire or explosion loss may request any  
643 insurance company or its agent, adjuster, employee, or attorney,  
644 investigating a claim under an insurance policy or contract with  
645 respect to a fire or explosion to release any information  
646 whatsoever in the possession of the insurance company or its  
647 agent, adjuster, employee, or attorney relative to a loss from  
648 that fire or explosion. The insurance company shall release the  
649 available information to and cooperate with any official  
650 authorized to request such information pursuant to this section.



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651 The information shall include, but shall not be limited to:

652 1.~~(a)~~ Any insurance policy relevant to a loss under  
653 investigation and any application for such a policy.

654 2.~~(b)~~ Any policy premium payment records.

655 3.~~(c)~~ The records, reports, and all material pertaining to  
656 any previous claims made by the insured with the reporting  
657 company.

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

661 5.~~(e)~~ Memoranda, notes, and correspondence relating to the  
662 investigation of the loss in the possession of the insurance  
663 company or its agents, adjusters, employees, or attorneys.

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

671 (3) In the absence of fraud, bad faith, or malice, a ~~no~~  
672 representative of or consultant to an insurance company or of  
673 the National Insurance Crime Bureau employed to adjust or  
674 investigate losses caused by fire or explosion is not ~~shall be~~  
675 liable for damages in a civil action for furnishing information  
676 concerning fires or explosion suspected to be other than  
677 accidental to investigators employed by other insurance  
678 companies or the National Insurance Crime Bureau.

679 (6) The actions of an insurance company or of its agents,





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680 employees, adjusters, consultants, or attorneys, in complying  
681 with the statutory obligation of this section may not ~~shall in~~  
682 ~~no way~~ be construed by a court as a waiver or abandonment of any  
683 privilege or confidentiality of attorney work product, attorney-  
684 client communication, or such other privilege or immunity as is  
685 provided by law.

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

689 Section 14. Section 633.45, Florida Statutes, is  
690 transferred, renumbered as section 633.128, Florida Statutes,  
691 and amended to read:

692 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
693 duties.-

694 (1) The division shall:

695 (a) Establish, by rule, uniform minimum standards for the  
696 ~~employment and~~ training of firefighters and volunteer  
697 firefighters.

698 (b) Establish, by rule, minimum curriculum requirements and  
699 criteria used to approve education or training providers,  
700 including for schools operated by or for any fire service  
701 provider, employing agency for the specific purpose of training  
702 individuals seeking to become a firefighter ~~recruits~~ or  
703 volunteer firefighter ~~firefighters~~.

704 (c) Specify, by rule, standards for the approval, denial of  
705 approval, probation, suspension, and revocation of approval of  
706 education or training providers and facilities for training  
707 firefighters and volunteer firefighters ~~Approve institutions,~~  
708 ~~instructors, and facilities for school operation by or for any~~



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709 ~~employing agency for the specific purpose of training~~  
710 ~~firefighters and firefighter recruits.~~

711 (d) Specify, by rule, standards for the certification,  
712 denial of certification, probation, and revocation of  
713 certification for instructors, approval, denial of approval,  
714 probation, and revocation of approval of institutions,  
715 instructors, and facilities for training firefighters and  
716 firefighter recruits; including a rule requiring each ~~that an~~  
717 instructor to ~~must~~ complete 40 hours of continuing education  
718 every 4 ~~3~~ years in order to maintain her or his certification  
719 ~~the approval of the department.~~

720 (e) Issue certificates of competency to persons who, by  
721 reason of experience and completion of basic inservice training,  
722 advanced education, or specialized training, are especially  
723 qualified for particular aspects or classes of firefighting  
724 ~~firefighter~~ duties.

725 (f) Establish, by rule, minimum training qualifications for  
726 persons serving as firesafety coordinators for their respective  
727 departments of state government and certify ~~all~~ persons who  
728 satisfy such qualifications.

729 (g) Establish a uniform lesson plan to be followed by  
730 firesafety instructors in the training of state employees in  
731 firesafety and emergency evacuation procedures.

732 (h) Have complete jurisdiction over, and complete  
733 management and control of, the Florida State Fire College and be  
734 invested with full power and authority to make all rules ~~and~~  
735 ~~regulations~~ necessary for the governance of the said  
736 institution.

737 (i) Appoint a superintendent of the Florida State Fire



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738 College and such other instructors, experimental helpers, and  
739 laborers as may be necessary and remove the same as in the  
740 division's ~~its~~ judgment and discretion may be best, fix their  
741 compensation, and provide for their payment.

742 (j) Have full management, possession, and control of the  
743 lands, buildings, structures, and property belonging to the  
744 Florida State Fire College.

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

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

749 (m) Visit and inspect the Florida State Fire College ~~and~~  
750 ~~every department thereof~~ and provide for the proper keeping of  
751 accounts and records thereof.

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

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

757 (p) Build, construct, change, enlarge, repair, and maintain  
758 any and all buildings or structures of the Florida State Fire  
759 College that may at any time be necessary for the said  
760 institution and purchase and acquire all lands and property  
761 necessary for same, of every nature and description whatsoever.

762 (q) Care for and maintain the Florida State Fire College  
763 and do and perform every other matter or thing requisite to the  
764 proper management, maintenance, support, and control of the said  
765 institution, necessary or requisite to carry out fully the  
766 purpose of this chapter ~~act~~ and for raising it to, and



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767 maintaining it at, the proper efficiency and standard as  
768 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

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

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

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

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

778 (c) Sue and be sued.

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

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

784 (f) Make contracts and execute necessary or convenient  
785 instruments.

786 (g) Undertake by contract or contracts, or by its own agent  
787 and employees, and otherwise than by contract, any project or  
788 projects, and operate and maintain such projects.

789 (h) Accept grants of money, materials, or property of any  
790 kind from a federal agency, private agency, county,  
791 municipality, ~~city, town~~, corporation, partnership, or  
792 individual upon such terms and conditions as the grantor may  
793 impose.

794 (i) Perform all acts and do all things necessary or  
795 convenient to carry out the powers granted herein and the



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796 purposes of this chapter ~~ss. 633.30-633.49~~.

797 (3) The title to all property referred to in part IV ~~ss.~~  
798 ~~633.43-633.49~~, however acquired, shall be vested in the  
799 department and shall only be transferred and conveyed by it.

800 Section 15. Section 633.132, Florida Statutes, is created  
801 to read:

802 633.132 Fees.-

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

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

806 1. Contractor certificate initial application: \$300 for  
807 each class of certificate.

808 2. Contractor biennial renewal fee: \$150 for each class of  
809 certificate.

810 3. Contractor permit initial application fee: \$100 for each  
811 class of permit.

812 4. Contractor permit biennial renewal fee: \$50 for each  
813 class of permit.

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

816 6. Fire equipment dealer license:

817 a. Class A: \$250.

818 b. Class B: \$150.

819 c. Class C: \$150.

820 d. Class D: \$200.

821 7. Fire equipment dealer or contractor application and  
822 renewal fee for an inactive license: \$75.

823 8. Fire equipment dealer license or permit exam or  
824 reexamination: \$50.



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825 9. Reinspection fee for a dealer equipment inspection  
826 conducted by the State Fire Marshal under s. 633.304(1): \$50 for  
827 each reinspection.

828 10. Permit for a portable fire extinguisher  
829 installer/repairer/inspector: \$90.

830 11. Permit for a preengineered fire extinguishing system  
831 installer/repairer/inspector: \$120.

832 12. Conversion of a fire equipment dealer's license to a  
833 different category: \$10 for each permit and license.

834 (b) Pursuant to part IV of this chapter:

835 1. Certificate of compliance: \$30.

836 2. Certificate of competency: \$30.

837 3. Renewal fee for a certificate of compliance, competency,  
838 or instruction: \$15.

839 (c) Duplicate or change of address for any license, permit,  
840 or certificate: \$10.

841 (2) All moneys collected by the State Fire Marshal pursuant  
842 to this chapter shall be deposited into the Insurance Regulatory  
843 Trust Fund.

844 Section 16. Section 633.39, Florida Statutes, is  
845 transferred and renumbered as section 633.134, Florida Statutes.

846 Section 17. Section 633.115, Florida Statutes, is  
847 transferred, renumbered as section 633.136, Florida Statutes,  
848 and amended to read:

849 633.136 ~~633.115~~ Fire and Emergency Incident Information  
850 Reporting Program; duties; fire reports.-

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



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- 854           1. Establish and maintain an electronic communication  
855 system capable of transmitting fire and emergency incident  
856 information to and between fire protection agencies.
- 857           2. Initiate a Fire and Emergency Incident Information  
858 Reporting System that shall be responsible for:
- 859           a. Receiving fire and emergency incident information from  
860 fire protection agencies.
- 861           b. Preparing and disseminating annual reports to the  
862 Governor, the President of the Senate, the Speaker of the House  
863 of Representatives, fire protection agencies, and, upon request,  
864 the public. Each report shall include, but not be limited to,  
865 the information listed in the National Fire Incident Reporting  
866 System.
- 867           c. Upon request, providing other states and federal  
868 agencies with fire and emergency incident data of this state.
- 869           3. Adopt rules to effectively and efficiently implement,  
870 administer, manage, maintain, and use the Fire and Emergency  
871 Incident Information Reporting Program. The rules shall be  
872 considered minimum requirements and shall not preclude a fire  
873 protection agency from implementing its own requirements which  
874 ~~may shall~~ not conflict with the rules of the division of ~~State~~  
875 ~~Fire Marshal~~.
- 876           4. By rule, establish procedures and a format for each fire  
877 protection agency to voluntarily monitor its records and submit  
878 reports to the program.
- 879           5. Establish an electronic information database that ~~which~~  
880 is accessible and searchable by fire protection agencies.
- 881           (b) The division of ~~State Fire Marshal~~ shall consult with  
882 the Florida Forest Service of the Department of Agriculture and



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883 Consumer Services and the State Surgeon General of the  
884 Department of Health to coordinate data, ensure accuracy of the  
885 data, and limit duplication of efforts in data collection,  
886 analysis, and reporting.

887 (2) The Fire and Emergency Incident Information System  
888 Technical Advisory Panel is created within the division ~~of State~~  
889 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
890 the State Fire Marshal with respect to the requirements of this  
891 section. The membership of the panel shall consist of the  
892 following 15 members:

893 (a) The current 13 members of the Firefighters Employment,  
894 Standards, and Training Council as established in s. 633.402  
895 ~~633.31~~.

896 (b) One member from the Florida Forest Service of the  
897 Department of Agriculture and Consumer Services, appointed by  
898 the director of the Florida Forest Service.

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

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

904 Section 18. Section 633.138, Florida Statutes, is created  
905 to read:

906 633.138 Notice of change of address of record; notice of  
907 felony actions.-

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





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912 division.

913 (2) Notwithstanding any other provision of law, delivery by  
914 regular mail or e-mail to a licensee, permittee, or  
915 certificateholder, using the last known mailing address or e-  
916 mail address on record with the division, constitutes adequate  
917 and sufficient notice to the licensee, permittee, or  
918 certificateholder of any official communication by the division.

919 (3) Any individual issued a license, permit, or certificate  
920 under this chapter shall notify the division in writing within  
921 30 days after pleading guilty or nolo contendere to, or being  
922 convicted or found guilty of, any felony or a crime punishable  
923 by imprisonment of 1 year or more under the law of the United  
924 States or of any state thereof, or under the law of any other  
925 country, without regard to whether a judgment of conviction has  
926 been entered by the court having jurisdiction of the case.

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

930 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
931 Standard and Firefighter Protection Act; preemption.-

932 (11) PREEMPTION.-

933 (a) This section shall be repealed if a federal reduced  
934 cigarette ignition propensity standard that preempts this  
935 section is adopted and becomes effective.

936 (b) Notwithstanding any other provision of law, local  
937 governmental units of this state may not enact or enforce any  
938 ordinance or other local law or rule conflicting with, or  
939 preempted by, any provision of this act or any policy of this  
940 state expressed by this act, whether that policy be expressed by



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941 inclusion of a provision in this act or by exclusion of that  
942 subject from this act.

943 Section 20. The Division of Law Revision and Information is  
944 requested to create part II of chapter 633, Florida Statutes,  
945 consisting of sections 633.202, 633.204, 633.206, 633.208,  
946 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,  
947 and 633.228, Florida Statutes, to be entitled "Fire Safety and  
948 Prevention."

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

953 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

954 (2) The State Fire Marshal shall adopt the current edition  
955 of the National Fire Protection Association's Standard 1, Fire  
956 Prevention Code but may ~~shall~~ not adopt a building, mechanical,  
957 or plumbing code. The State Fire Marshal shall adopt the current  
958 edition of the Life Safety Code, NFPA Pamphlet 101, current  
959 editions, by reference. The State Fire Marshal may modify the  
960 selected codes and standards as needed to accommodate the  
961 specific needs of the state. Standards or criteria in the  
962 selected codes shall be similarly incorporated by reference. The  
963 State Fire Marshal shall incorporate within sections of the  
964 Florida Fire Prevention Code provisions that address uniform  
965 firesafety standards as established in s. 633.206 ~~633.022~~. The  
966 State Fire Marshal shall incorporate within sections of the  
967 Florida Fire Prevention Code provisions addressing regional and  
968 local concerns and variations.

969 (4) The State Fire Marshal shall update, by rule adopted



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

981 (7) Any local amendment adopted by a local government must  
982 strengthen the Fire Prevention Code requirements of the minimum  
983 firesafety code.

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

988 (10) Notwithstanding other provisions of this chapter, if a  
989 county or a municipality within that county adopts an ordinance  
990 providing for a local amendment to the Florida Fire Prevention  
991 Code and that amendment provides a higher level of protection to  
992 the public than the level specified in the Florida Fire  
993 Prevention Code, the local amendment becomes effective without  
994 approval of the State Fire Marshal and is not rescinded pursuant  
995 to ~~the provisions of~~ this section, provided that the ordinance  
996 meets one or more of the following criteria:

997 (a) The local authority has adopted, by ordinance, a fire  
998 service facilities and operation plan that outlines goals and



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999 objectives for related equipment, personnel, and capital  
1000 improvement needs of the local authority related to the specific  
1001 amendment for the next 5 years;

1002 (b) The local authority has adopted, by ordinance, a  
1003 provision requiring proportionate reduction in, or rebate or  
1004 waivers of, impact or other fees or assessments levied on  
1005 buildings that are built or modified in compliance with the more  
1006 stringent firesafety standards required by the local amendment;  
1007 or

1008 (c) The local authority has adopted, by ordinance, a growth  
1009 management plan that requires buildings and structures to be  
1010 equipped with more stringent firesafety requirements required by  
1011 the local amendment when these firesafety requirements are used  
1012 as the basis for planning infrastructure development, uses, or  
1013 housing densities.

1014  
1015 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
1016 process shall be the venue if there is a dispute between parties  
1017 affected by the provisions of the more stringent local  
1018 firesafety amendment adopted as part of the Florida Fire  
1019 Prevention Code pursuant to the authority in this subsection.  
1020 Local amendments adopted pursuant to this subsection shall be  
1021 deemed local or regional variations and published as such in the  
1022 Florida Fire Prevention Code. The act of publishing locally  
1023 adopted firesafety amendments to the Florida Fire Prevention  
1024 Code may ~~shall~~ not be construed to mean that the State Fire  
1025 Marshal approves or denies the authenticity or appropriateness  
1026 of the locally adopted firesafety provision, and the burden of  
1027 protecting the local firesafety amendment remains solely with



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1028 the adopting local governmental authority.

1029 ~~(12) Notwithstanding other provisions of this section, the~~  
1030 ~~State Fire Marshal shall study the use of managed, facilities-~~  
1031 ~~based, voice-over-Internet-protocol telephone service for~~  
1032 ~~monitoring fire alarm signals. If the study determines that~~  
1033 ~~voice-over-Internet-protocol telephone service technology~~  
1034 ~~provides a level of protection equivalent to that required by~~  
1035 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
1036 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
1037 ~~December 1, 2008, to allow the use of this technology as an~~  
1038 ~~additional method of monitoring fire alarm systems.~~

1039 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an expedited  
1040 declaratory statement relating to interpretations of ~~provisions~~  
1041 ~~of~~ the Florida Fire Prevention Code according to the following  
1042 guidelines:

1043 1. The declaratory statement shall be rendered in  
1044 accordance with s. 120.565, except that a final decision must be  
1045 issued by the State Fire Marshal within 45 days after the  
1046 division's receipt of a petition seeking an expedited  
1047 declaratory statement. The State Fire Marshal shall give notice  
1048 of the petition and the expedited declaratory statement or the  
1049 denial of the petition in the next available issue of the  
1050 Florida Administrative Register ~~Weekly~~ after the petition is  
1051 filed and after the statement or denial is rendered.

1052 2. The petitioner must be the owner of the disputed project  
1053 or the owner's representative.

1054 3. The petition for an expedited declaratory statement must  
1055 be:

1056 a. Related to an active project that is under construction



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1057 or must have been submitted for a permit.

1058       b. The subject of a written notice citing a specific  
1059 provision of the Florida Fire Prevention Code which is in  
1060 dispute.

1061       c. Limited to a single question that is capable of being  
1062 answered with a "yes" or "no" response.

1063       (b) A petition for a declaratory statement which does not  
1064 meet all of the requirements of this subsection must be denied  
1065 without prejudice. This subsection does not affect the right of  
1066 the petitioner as a substantially affected person to seek a  
1067 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1068       (13) ~~(14)~~ A condominium, cooperative, or multifamily  
1069 residential building that is less than four stories in height  
1070 and has an exterior corridor providing a means of egress is  
1071 exempt from installing a manual fire alarm system as required in  
1072 s. 9.6 of the most recent edition of the Life Safety Code  
1073 adopted in the Florida Fire Prevention Code. ~~This is intended to~~  
1074 ~~clarify existing law.~~

1075       (14) ~~(15)~~ The Legislature finds that the electronic filing  
1076 of construction plans will increase governmental efficiency,  
1077 reduce costs, and increase timeliness of processing permits. If  
1078 the fire code administrator or fire official provides for  
1079 electronic filing, any construction plans, drawings,  
1080 specifications, reports, final documents, or documents prepared  
1081 or issued by a licensee may be dated and electronically signed  
1082 and sealed by the licensee in accordance with part I of chapter  
1083 668, and may be transmitted electronically to the fire code  
1084 administrator or fire official for approval.

1085       Section 22. Section 633.72, Florida Statutes, is



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1086 transferred, renumbered as section 633.204, Florida Statutes,  
1087 and amended to read:

1088 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1089 (1) There is created within the department the Florida Fire  
1090 Code Advisory Council with 11 members appointed by the State  
1091 Fire Marshal. The council shall advise and recommend to the  
1092 State Fire Marshal changes to and interpretation of the uniform  
1093 firesafety standards adopted under s. 633.206 ~~633.022~~, the  
1094 Florida Fire Prevention Code, and those portions of the Florida  
1095 Fire Prevention Code that have the effect of conflicting with  
1096 building construction standards that are adopted pursuant to ss.  
1097 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the  
1098 council shall represent the following groups and professions:

1099 (a) One member shall be the State Fire Marshal, or his or  
1100 her designated appointee who shall be an administrative employee  
1101 of the marshal.†

1102 (b) One member shall be an administrative officer from a  
1103 fire department representing a municipality, ~~or~~ a county, or a  
1104 special district selected from a list of persons submitted by  
1105 the Florida Fire Chiefs Association.†

1106 (c) One member shall be an architect licensed in the state  
1107 selected from a list of persons submitted by the Florida  
1108 Association/American Institute of Architects.†

1109 (d) One member shall be an engineer with fire protection  
1110 design experience registered to practice in the state selected  
1111 from a list of persons submitted by the Florida Engineering  
1112 Society.†

1113 (e) One member shall be an administrative officer from a  
1114 building department of a county or municipality selected from a



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1115 list of persons submitted by the Building Officials Association  
1116 of Florida.~~†~~

1117 (f) One member shall be a contractor licensed in the state  
1118 selected from a list submitted by the Florida Home Builders  
1119 Association.~~†~~

1120 (g) One member shall be a Florida ~~certified~~ firefighter  
1121 selected from a list submitted by the Florida Professional  
1122 Firefighters' Association.~~†~~

1123 (h) One member shall be a Florida certified firesafety  
1124 ~~municipal fire~~ inspector selected from a list submitted by the  
1125 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~†~~

1126 (i) One member shall be selected from a list submitted by  
1127 the Department of Education.~~†~~

1128 (j) One member shall be selected from a list submitted by  
1129 the Chancellor of the State University System.~~†~~ ~~and~~

1130 (k) One member shall be representative of the general  
1131 public.

1132 (2) The State Fire Marshal and the Florida Building  
1133 Commission shall coordinate efforts to provide consistency  
1134 between the Florida Building Code and the Florida Fire  
1135 Prevention Code ~~and the Life Safety Code.~~

1136 (3) The council shall meet at least semiannually to advise  
1137 the State Fire Marshal's Office on matters subject to this  
1138 section.

1139 (4) The council may review proposed changes to the Florida  
1140 Fire Prevention Code and the uniform firesafety standards  
1141 pursuant to s. 633.202(4).

1142 (5)~~(3)~~ The council and Florida Building Commission shall  
1143 cooperate through joint representation and coordination of codes





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1144 and standards to resolve conflicts in their development,  
1145 updating, and interpretation.

1146 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member  
1147 shall serve more than two consecutive terms. A ~~No~~ member of the  
1148 council may not shall be paid a salary as such member, but each  
1149 shall receive travel and expense reimbursement as provided in s.  
1150 112.061.

1151 Section 23. Section 633.022, Florida Statutes, is  
1152 transferred and renumbered as section 633.206, Florida Statutes,  
1153 and subsection (1) and paragraph (a) of subsection (4) of that  
1154 section are amended, to read:

1155 633.206 ~~633.022~~ Uniform firesafety standards.—The  
1156 Legislature hereby determines that to protect the public health,  
1157 safety, and welfare it is necessary to provide for firesafety  
1158 standards governing the construction and utilization of certain  
1159 buildings and structures. The Legislature further determines  
1160 that certain buildings or structures, due to their specialized  
1161 use or to the special characteristics of the person utilizing or  
1162 occupying these buildings or structures, should be subject to  
1163 firesafety standards reflecting these special needs as may be  
1164 appropriate.

1165 (1) The department shall establish uniform firesafety  
1166 standards that apply to:

1167 (a) All new, existing, and proposed state-owned and state-  
1168 leased buildings.

1169 (b) All new, existing, and proposed hospitals, nursing  
1170 homes, assisted living facilities, adult family-care homes,  
1171 correctional facilities, public schools, transient public  
1172 lodging establishments, public food service establishments,



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1173 elevators, migrant labor camps, mobile home parks, lodging  
1174 parks, recreational vehicle parks, recreational camps,  
1175 residential and nonresidential child care facilities, facilities  
1176 for the developmentally disabled, motion picture and television  
1177 special effects productions, tunnels, and self-service gasoline  
1178 stations, of which standards the State Fire Marshal is the final  
1179 administrative interpreting authority.

1180

1181 In the event there is a dispute between the owners of the  
1182 buildings specified in paragraph (b) and a local authority  
1183 requiring a more stringent uniform firesafety standard for  
1184 sprinkler systems, the State Fire Marshal shall be the final  
1185 administrative interpreting authority and the State Fire  
1186 Marshal's interpretation regarding the uniform firesafety  
1187 standards shall be considered final agency action.

1188 (4) (a) Notwithstanding any provision of law to the  
1189 contrary, each nursing home licensed under part II of chapter  
1190 400 shall be protected throughout by an approved, supervised  
1191 automatic sprinkler system in accordance with s. 9 of National  
1192 Fire Protection Association, Inc., Life Safety Code, no later  
1193 than December 31, 2010. ~~A nursing home licensee shall submit  
1194 complete sprinkler construction documents to the Agency for  
1195 Health Care Administration for review by December 31, 2008, and  
1196 the licensee must gain final approval to start construction from  
1197 the agency by June 30, 2009. The agency shall grant a 6-month  
1198 extension to a nursing home licensee if the completion and  
1199 submission of the sprinkler construction documents are  
1200 contingent upon the approval of the application for the loan  
1201 guarantee program authorized under s. 633.0245. In such case,~~



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1202 ~~the agency may extend the deadline for final approval to begin~~  
1203 ~~construction beyond June 30, 2009, but the deadline may not be~~  
1204 ~~extended beyond December 31, 2009.~~

1205 Section 24. Section 633.025, Florida Statutes, is  
1206 transferred, renumbered as section 633.208, Florida Statutes,  
1207 and amended to read:

1208 633.208 ~~633.025~~ Minimum firesafety standards.—

1209 (1) The Florida Fire Prevention Code ~~and the Life Safety~~  
1210 ~~Code~~ adopted by the State Fire Marshal, which shall operate in  
1211 conjunction with the Florida Building Code, shall be deemed  
1212 adopted by each municipality, county, and special district with  
1213 firesafety responsibilities. The minimum firesafety codes do  
1214 ~~shall~~ not apply to buildings and structures subject to the  
1215 uniform firesafety standards under s. 633.206 ~~633.022~~ and  
1216 buildings and structures subject to the minimum firesafety  
1217 standards adopted pursuant to s. 394.879.

1218 (2) Pursuant to subsection (1), each municipality, county,  
1219 and special district with firesafety responsibilities shall  
1220 enforce the Florida Fire Prevention Code ~~and the Life Safety~~  
1221 ~~Code~~ as the minimum firesafety code required by this section.

1222 ~~(3) The most current edition of the National Fire~~  
1223 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~  
1224 ~~the State Fire Marshal, shall be deemed to be adopted by each~~  
1225 ~~municipality, county, and special district with firesafety~~  
1226 ~~responsibilities as part of the minimum firesafety code.~~

1227 (3) ~~(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a  
1228 municipality, county, or special district with firesafety  
1229 responsibilities may adopt more stringent firesafety standards,  
1230 subject to the requirements of this subsection. Such county,



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1231 municipality, or special district may establish alternative  
1232 requirements to those requirements which are required under the  
1233 minimum firesafety standards on a case-by-case basis, in order  
1234 to meet special situations arising from historic, geographic, or  
1235 unusual conditions, if the alternative requirements result in a  
1236 level of protection to life, safety, or property equal to or  
1237 greater than the applicable minimum firesafety standards. For  
1238 the purpose of this subsection, the term "historic" means that  
1239 the building or structure is listed on the National Register of  
1240 Historic Places of the United States Department of the Interior.

1241 (a) The local governing body shall determine, following a  
1242 public hearing which has been advertised in a newspaper of  
1243 general circulation at least 10 days before the hearing, if  
1244 there is a need to strengthen the requirements of the minimum  
1245 firesafety code adopted by such governing body. The  
1246 determination must be based upon a review of local conditions by  
1247 the local governing body, which review demonstrates that local  
1248 conditions justify more stringent requirements than those  
1249 specified in the minimum firesafety code for the protection of  
1250 life and property or justify requirements that meet special  
1251 situations arising from historic, geographic, or unusual  
1252 conditions.

1253 (b) Such additional requirements may ~~shall~~ not be  
1254 discriminatory as to materials, products, or construction  
1255 techniques of demonstrated capabilities.

1256 (c) Paragraphs (a) and (b) apply solely to the local  
1257 enforcing agency's adoption of requirements more stringent than  
1258 those specified in the Florida Fire Prevention Code and the Life  
1259 Safety Code that have the effect of amending building



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1260 construction standards. Upon request, the enforcing agency must  
1261 ~~shall~~ provide a person making application for a building permit,  
1262 or any state agency or board with construction-related  
1263 regulation responsibilities, a listing of all such requirements  
1264 and codes.

1265 (d) A local government which adopts amendments to the  
1266 minimum firesafety code must provide a procedure by which the  
1267 validity of such amendments may be challenged by any  
1268 substantially affected party to test the amendment's compliance  
1269 with ~~the provisions of~~ this section.

1270 1. Unless the local government agrees to stay enforcement  
1271 of the amendment, or other good cause is shown, the challenging  
1272 party shall be entitled to a hearing on the challenge within 45  
1273 days.

1274 2. For purposes of such challenge, the burden of proof  
1275 shall be on the challenging party, but the amendment may ~~shall~~  
1276 not be presumed to be valid or invalid.

1277  
1278 This subsection gives local government the authority to  
1279 establish firesafety codes that exceed the Florida Fire  
1280 Prevention Code ~~minimum firesafety codes and standards~~ adopted  
1281 by the State Fire Marshal. The Legislature intends that local  
1282 government give proper public notice and hold public hearings  
1283 before adopting more stringent firesafety codes ~~and standards~~. A  
1284 substantially affected person may appeal, to the department, the  
1285 local government's resolution of the challenge, and the  
1286 department shall determine if the amendment complies with this  
1287 section. Actions of the department are subject to judicial  
1288 review pursuant to s. 120.68. The department shall consider



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1289 reports of the Florida Building Commission, pursuant to part IV  
1290 of chapter 553, when evaluating building code enforcement.

1291 ~~(4)~~(5) The new building or structure provisions enumerated  
1292 within the Florida Fire Prevention Code ~~firesafety code~~ adopted  
1293 pursuant to this section shall apply only to buildings or  
1294 structures for which the building permit is issued on or after  
1295 the effective date of the current edition of the Florida Fire  
1296 Prevention Code ~~this act~~. Subject to ~~the provisions of~~  
1297 subsection (5) ~~(6)~~, the existing building or structure  
1298 provisions enumerated within the ~~firesafety code~~ adopted  
1299 pursuant to this section shall apply to buildings or structures  
1300 for which the building permit was issued or the building or  
1301 structure was constructed before ~~prior to~~ the effective date of  
1302 this act.

1303 ~~(5)~~(6) With regard to existing buildings, the Legislature  
1304 recognizes that it is not always practical to apply any or all  
1305 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
1306 ~~firesafety code~~ and that physical limitations may require  
1307 disproportionate effort or expense with little increase in fire  
1308 or life safety ~~lifesafety~~. Prior to applying the minimum  
1309 ~~firesafety code~~ to an existing building, the local fire official  
1310 shall determine that a threat to ~~lifesafety~~ or property exists.  
1311 If a threat to ~~lifesafety~~ or property exists, the fire official  
1312 shall apply the applicable ~~firesafety code~~ for existing  
1313 buildings to the extent practical to assure a reasonable degree  
1314 of ~~lifesafety~~ and safety of property or the fire official shall  
1315 fashion a reasonable alternative which affords an equivalent  
1316 degree of ~~lifesafety~~ and safety of property. The decision of the  
1317 local fire official may be appealed to the local administrative



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1318 board described in s. 553.73.

1319 (6)~~(7)~~ Nothing herein shall preclude a municipality,  
1320 county, or special district from requiring a structure to be  
1321 maintained in accordance with the Florida Fire Prevention Code  
1322 ~~applicable firesafety code.~~

1323 (7)~~(8)~~ Electrically operated single station smoke detectors  
1324 required for residential buildings are not required to be  
1325 interconnected within individual living units in all buildings  
1326 having direct access to the outside from each living unit and  
1327 having three stories or less. This subsection does not apply to  
1328 any residential building required to have a manual or an  
1329 automatic fire alarm system.

1330 (8)~~(9)~~ The provisions of the Life Safety Code, as contained  
1331 in the Florida Fire Prevention Code, do shall not apply to newly  
1332 constructed one-family and two-family dwellings. However, fire  
1333 sprinkler protection may be permitted by local government in  
1334 lieu of other fire protection-related development requirements  
1335 for such structures. While local governments may adopt fire  
1336 sprinkler requirements for one- and two-family dwellings under  
1337 this subsection, it is the intent of the Legislature that the  
1338 economic consequences of the fire sprinkler mandate on home  
1339 owners be studied before the enactment of such a requirement.  
1340 After the effective date of this act, any local government that  
1341 desires to adopt a fire sprinkler requirement on one- or two-  
1342 family dwellings must prepare an economic cost and benefit  
1343 report that analyzes the application of fire sprinklers to one-  
1344 or two-family dwellings or any proposed residential subdivision.  
1345 The report must consider the tradeoffs and specific cost savings  
1346 and benefits of fire sprinklers for future owners of property.



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1347 The report must include an assessment of the cost savings from  
1348 any reduced or eliminated impact fees if applicable, the  
1349 reduction in special fire district tax, insurance fees, and  
1350 other taxes or fees imposed, and the waiver of certain  
1351 infrastructure requirements including the reduction of roadway  
1352 widths, the reduction of water line sizes, increased fire  
1353 hydrant spacing, increased dead-end roadway length and a  
1354 reduction in cul-de-sac sizes relative to the costs from fire  
1355 sprinkling. A failure to prepare an economic report shall result  
1356 in the invalidation of the fire sprinkler requirement to any  
1357 one- or two-family dwelling or any proposed subdivision. In  
1358 addition, a local jurisdiction or utility may not charge any  
1359 additional fee, above what is charged to a non-fire sprinklered  
1360 dwelling, on the basis that a one- or two-family dwelling unit  
1361 is protected by a fire sprinkler system.

1362 (9)~~(10)~~ Before imposing a fire sprinkler requirement on any  
1363 one- or two-family dwelling, a local government must provide the  
1364 owner of any one- or two-family dwelling a letter documenting  
1365 specific infrastructure or other tax or fee allowances and  
1366 waivers that are listed in but not limited to those described in  
1367 subsection (8) ~~(9)~~ for the dwelling. The documentation must show  
1368 that the cost savings reasonably approximate the cost of the  
1369 purchase and installation of a fire protection system.

1370 (10)~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)  
1371 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire  
1372 sprinklers in any residential property based upon the use of  
1373 such property as a rental property or any change in or  
1374 reclassification of the property's primary use to a rental  
1375 property.





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1376 Section 25. Section 633.026, Florida Statutes, is  
1377 transferred, renumbered as section 633.212, Florida Statutes,  
1378 and amended to read:

1379 633.212 ~~633.026~~ Legislative intent; informal  
1380 interpretations of the Florida Fire Prevention Code.—It is the  
1381 intent of the Legislature that the Florida Fire Prevention Code  
1382 be interpreted by fire officials and local enforcement agencies  
1383 in a manner that reasonably and cost-effectively protects the  
1384 public safety, health, and welfare; ensures uniform  
1385 interpretations throughout this state; and provides just and  
1386 expeditious processes for resolving disputes regarding such  
1387 interpretations. It is the further intent of the Legislature  
1388 that such processes provide for the expeditious resolution of  
1389 the issues presented and that the resulting interpretation of  
1390 such issues be published on the website of the division ~~of State~~  
1391 ~~Fire Marshal~~.

1392 (1) The division ~~of State Fire Marshal~~ shall by rule  
1393 establish an informal process of rendering nonbinding  
1394 interpretations of the Florida Fire Prevention Code. The  
1395 division ~~of State Fire Marshal~~ may contract with and refer  
1396 interpretive issues to a third party, selected based upon cost  
1397 effectiveness, quality of services to be performed, and other  
1398 performance-based criteria, which has experience in interpreting  
1399 and enforcing the Florida Fire Prevention Code. It is the intent  
1400 of the Legislature that the division ~~of State Fire Marshal~~  
1401 establish a Fire Code Interpretation Committee composed of seven  
1402 persons and seven alternates, equally representing each area of  
1403 the state, to which a party can pose questions regarding the  
1404 interpretation of the Florida Fire Prevention Code provisions.



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1405 The alternate member may respond to a nonbinding interpretation  
1406 if the member notifies the Fire Code Interpretation Committee  
1407 that he or she is unable to respond.

1408 (2) Each member and alternate member of the Fire Code  
1409 Interpretation Committee must be certified as a firesafety  
1410 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
1411 minimum of 5 years of experience interpreting and enforcing the  
1412 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
1413 member and alternate member must be approved by the division ~~of~~  
1414 ~~State Fire Marshal~~ and deemed by the division to have met these  
1415 requirements for at least 30 days before participating in a  
1416 review of a nonbinding interpretation.

1417 (3) Each nonbinding interpretation of code provisions must  
1418 be provided within 15 ~~10~~ business days after receipt of a  
1419 request for interpretation. The response period established in  
1420 this subsection may be waived only with the written consent of  
1421 the party requesting the nonbinding interpretation and the  
1422 division ~~of State Fire Marshal~~. Nonbinding interpretations shall  
1423 be advisory only and nonbinding on the parties or the State Fire  
1424 Marshal.

1425 (4) In order to administer this section, the division ~~of~~  
1426 ~~State Fire Marshal~~ shall charge a fee for nonbinding  
1427 interpretations. The fee may not exceed \$150 for each request  
1428 for a review or interpretation. The division may authorize  
1429 payment of fees directly to the nonprofit organization under  
1430 contract pursuant to subsection (1).

1431 (5) A party requesting a nonbinding interpretation who  
1432 disagrees with the interpretation issued under this section may  
1433 apply for a declaratory statement ~~formal interpretation~~ from the



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1434 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

1435 (6) The division ~~of State Fire Marshal~~ shall issue or cause  
1436 to be issued a nonbinding interpretation of the Florida Fire  
1437 Prevention Code pursuant to this section when requested to do so  
1438 upon submission of a petition by a fire official or by the owner  
1439 or owner's representative or the contractor or contractor's  
1440 representative of a project in dispute. The division shall adopt  
1441 a petition form by rule, and the petition form must be published  
1442 on the State Fire Marshal's website. The form must ~~shall~~, at a  
1443 minimum, require:

1444 (a) The name and address of the local fire official,  
1445 including the address of the county, municipality, or special  
1446 district.

1447 (b) The name and address of the owner or owner's  
1448 representative or the contractor or contractor's representative.

1449 (c) A statement of the specific sections of the Florida  
1450 Fire Prevention Code being interpreted by the local fire  
1451 official.

1452 (d) An explanation of how the petitioner's substantial  
1453 interests are being affected by the local interpretation of the  
1454 Florida Fire Prevention Code.

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

1458 (f) A statement of the interpretation that the petitioner  
1459 contends should be given to the specific sections of the Florida  
1460 Fire Prevention Code and a statement supporting the petitioner's  
1461 interpretation.

1462 (g) A single question that is capable of being answered



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1463 with a "yes" or "no" response.

1464 (7) Upon receipt of a petition that meets the requirements  
1465 of subsection (6), the division ~~of State Fire Marshal~~ shall  
1466 immediately provide copies of the petition to the Fire Code  
1467 Interpretation Committee, and shall publish the petition and any  
1468 response submitted by the local fire official on the State Fire  
1469 Marshal's website.

1470 (8) The committee shall conduct proceedings as necessary to  
1471 resolve the issues and give due regard to the petition, the  
1472 facts of the matter at issue, specific code sections cited, and  
1473 any statutory implications affecting the Florida Fire Prevention  
1474 Code. The committee shall issue an interpretation regarding the  
1475 provisions of the Florida Fire Prevention Code within 15 ~~10~~ days  
1476 after the filing of a petition. The committee shall issue an  
1477 interpretation based upon the Florida Fire Prevention Code or,  
1478 if the code is ambiguous, the intent of the code. The  
1479 committee's interpretation shall be provided to the petitioner  
1480 and shall include a notice that if the petitioner disagrees with  
1481 the interpretation, the petitioner may file a request for a  
1482 declaratory statement ~~formal interpretation~~ by the State Fire  
1483 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
1484 interpretation shall be provided to the State Fire Marshal, and  
1485 the division shall publish the declaratory statement  
1486 ~~interpretation~~ on the State Fire Marshal's website and in the  
1487 Florida Administrative Register ~~Weekly~~.

1488 Section 26. Section 633.052, Florida Statutes, is  
1489 transferred and renumbered as section 633.214, Florida Statutes,  
1490 and paragraphs (a) and (b) of subsection (1), paragraph (d) of  
1491 subsection (2), and subsections (3) and (4) of that section are



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1492 amended, to read:

1493 633.214 ~~633.052~~ Ordinances relating to firesafety;  
1494 definitions; penalties.—

1495 (1) As used in this section:

1496 (a) A "firesafety inspector" is an individual certified by  
1497 the division ~~of State Fire Marshal~~, officially assigned the  
1498 duties of conducting firesafety inspections of buildings and  
1499 facilities on a recurring or regular basis, investigating civil  
1500 infractions relating to firesafety, and issuing citations  
1501 pursuant to this section on behalf of the state or any county,  
1502 municipality, or special district with firesafety  
1503 responsibilities.

1504 (b) "Citation" means a written notice, issued only after a  
1505 written warning has been previously issued and a minimum time  
1506 period of 45 days, except for major structural changes, which  
1507 may be corrected within an extended adequate period of time,  
1508 from the date of the issuance of the warning whereby the party  
1509 warned may correct the alleged violation, issued to a person by  
1510 a firesafety inspector, that the firesafety inspector has  
1511 probable cause to believe that the person has committed a civil  
1512 infraction in violation of a duly enacted ordinance and that the  
1513 county court will hear the charge. The citation must ~~shall~~  
1514 contain:

- 1515 1. The date and time of issuance.
- 1516 2. The name and address of the person.
- 1517 3. The date and time the civil infraction was committed.
- 1518 4. The facts constituting probable cause.
- 1519 5. The Florida Fire Prevention Code ordinance violated.
- 1520 6. The name and authority of the firesafety inspector



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1521 officer.

1522 7. The procedure for the person to follow in order to pay  
1523 the civil penalty or to contest the citation.

1524 8. The applicable civil penalty if the person elects to  
1525 contest the citation.

1526 9. The applicable civil penalty if the person elects not to  
1527 contest the citation.

1528 10. A conspicuous statement that if the person fails to pay  
1529 the civil penalty within the time allowed or fails to appear in  
1530 court to contest the citation, then she or he shall be deemed to  
1531 have waived her or his right to contest the citation and that,  
1532 in such case, judgment may be entered against the person for an  
1533 amount up to the maximum civil penalty.

1534 (2) A county or municipality that has created a code  
1535 enforcement board or special magistrate system pursuant to  
1536 chapter 162 may enforce firesafety code violations as provided  
1537 in chapter 162. The governing body of a county or municipality  
1538 which has not created a code enforcement board or special  
1539 magistrate system for firesafety under chapter 162 may ~~is~~  
1540 ~~authorized to~~ enact ordinances relating to firesafety codes,  
1541 which ordinances shall provide:

1542 (d) For the issuance of a citation by an officer who has  
1543 probable cause to believe that a person has committed a  
1544 violation of an ordinance relating to firesafety or the Florida  
1545 Fire Prevention Code.

1546 (3) A person ~~Any person~~ who willfully refuses to sign and  
1547 accept a citation issued by a firesafety inspector commits ~~shall~~  
1548 ~~be guilty of~~ a misdemeanor of the second degree, punishable as  
1549 provided in s. 775.082 or s. 775.083.



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1550           (4) ~~Nothing contained in~~ This section does not shall  
1551 prevent any county, ~~or~~ municipality, or special district from  
1552 enacting any ordinance relating to firesafety codes which is  
1553 identical to ~~the provisions of~~ this chapter or any state law,  
1554 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or  
1555 special district ordinance relating to firesafety codes may not  
1556 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other  
1557 state law.

1558           Section 27. Section 633.081, Florida Statutes, is  
1559 transferred and renumbered as section 633.216, Florida Statutes,  
1560 a new subsection (6) is added to that section, and present  
1561 subsections (1) and (2), paragraph (c) of subsection (3), and  
1562 subsections (4) through (9) of that section are amended, to  
1563 read:

1564           633.216 ~~633.081~~ Inspection of buildings and equipment;  
1565 orders; firesafety inspection training requirements;  
1566 certification; disciplinary action.—The State Fire Marshal and  
1567 her or his agents or persons authorized to enforce laws and  
1568 rules of the State Fire Marshal shall, at any reasonable hour,  
1569 when the State Fire Marshal has reasonable cause to believe that  
1570 a violation of this chapter or s. 509.215, or a rule adopted  
1571 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by  
1572 the State Fire Marshal or a local authority, may exist, inspect  
1573 any and all buildings and structures which are subject to the  
1574 requirements of this chapter or s. 509.215 and rules adopted  
1575 ~~promulgated~~ thereunder. The authority to inspect shall extend to  
1576 all equipment, vehicles, and chemicals which are located on or  
1577 within the premises of any such building or structure.

1578           (1) Each county, municipality, and special district that



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1579 has firesafety enforcement responsibilities shall employ or  
1580 contract with a firesafety inspector. Except as provided in s.  
1581 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must  
1582 conduct all firesafety inspections that are required by law. The  
1583 governing body of a county, municipality, or special district  
1584 that has firesafety enforcement responsibilities may provide a  
1585 schedule of fees to pay only the costs of inspections conducted  
1586 pursuant to this subsection and related administrative expenses.  
1587 Two or more counties, municipalities, or special districts that  
1588 have firesafety enforcement responsibilities may jointly employ  
1589 or contract with a firesafety inspector.

1590 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every  
1591 firesafety inspection conducted pursuant to state or local  
1592 firesafety requirements shall be by a person certified as having  
1593 met the inspection training requirements set by the State Fire  
1594 Marshal. Such person shall meet the requirements of s.  
1595 633.412(1)(a)-(d), and:

1596 (a) ~~Be a high school graduate or the equivalent as~~  
1597 ~~determined by the department;~~

1598 (b) ~~Not have been found guilty of, or having pleaded guilty~~  
1599 ~~or nolo contendere to, a felony or a crime punishable by~~  
1600 ~~imprisonment of 1 year or more under the law of the United~~  
1601 ~~States, or of any state thereof, which involves moral turpitude,~~  
1602 ~~without regard to whether a judgment of conviction has been~~  
1603 ~~entered by the court having jurisdiction of such cases;~~

1604 (c) ~~Have her or his fingerprints on file with the~~  
1605 ~~department or with an agency designated by the department;~~

1606 (d) ~~Have good moral character as determined by the~~  
1607 ~~department;~~





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



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1637 examination is taken before July 1, 2013.

1638         3. Upon passing the examination, the person shall be  
1639 certified as a firesafety inspector as provided in this section.

1640         4. A person who fails the course of study or the  
1641 examination described in this paragraph may not perform any  
1642 firesafety inspection required by law on or after July 1, 2013.

1643         (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~  
1644 may conduct firesafety inspections, under the supervision of a  
1645 certified firesafety inspector, while on duty as a member of a  
1646 fire department company conducting inservice firesafety  
1647 inspections without being certified as a firesafety inspector,  
1648 if such firefighter has satisfactorily completed an inservice  
1649 fire department company inspector training program of at least  
1650 24 hours' duration as provided by rule of the department.

1651         (5) Every firesafety inspector certificate is valid for a  
1652 period of 4 ~~3~~ years from the date of issuance. Renewal of  
1653 certification is subject to the affected person's completing  
1654 proper application for renewal and meeting all of the  
1655 requirements for renewal as established under this chapter or by  
1656 rule adopted under this chapter, which must ~~shall~~ include  
1657 completion of at least 54 ~~40~~ hours during the preceding 4-year  
1658 ~~3-year~~ period of continuing education as required by the rule of  
1659 the department or, in lieu thereof, successful passage of an  
1660 examination as established by the department.

1661         (6) A previously certified firesafety inspector whose  
1662 certification has lapsed for 8 years or more must repeat the  
1663 fire safety inspector training as specified by the division.

1664         (7)~~(6)~~ The State Fire Marshal may deny, refuse to renew,  
1665 suspend, or revoke the certificate of a firesafety inspector if



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1666 the State Fire Marshal finds that any of the following grounds  
1667 exist:

1668 (a) Any cause for which issuance of a certificate could  
1669 have been refused had it then existed and been known to the  
1670 division ~~State Fire Marshal~~.

1671 (b) Violation of this chapter or any rule or order of the  
1672 State Fire Marshal.

1673 (c) Falsification of records relating to the certificate.

1674 ~~(d) Having been found guilty of or having pleaded guilty or~~  
1675 ~~nolo contendere to a felony, whether or not a judgment of~~  
1676 ~~conviction has been entered.~~

1677 ~~(d)~~ (e) Failure to meet any of the renewal requirements.

1678 ~~(f) Having been convicted of a crime in any jurisdiction~~  
1679 ~~which directly relates to the practice of fire code inspection,~~  
1680 ~~plan review, or administration.~~

1681 ~~(e)~~ (g) Making or filing a report or record that the  
1682 certificateholder knows to be false, or knowingly inducing  
1683 another to file a false report or record, or knowingly failing  
1684 to file a report or record required by state or local law, or  
1685 knowingly impeding or obstructing such filing, or knowingly  
1686 inducing another person to impede or obstruct such filing.

1687 ~~(f)~~ (h) Failing to properly enforce applicable fire codes or  
1688 permit requirements within this state which the  
1689 certificateholder knows are applicable by committing willful  
1690 misconduct, gross negligence, gross misconduct, repeated  
1691 negligence, or negligence resulting in a significant danger to  
1692 life or property.

1693 (g) ~~(i)~~ Accepting labor, services, or materials at no charge  
1694 or at a noncompetitive rate from a ~~any~~ person who performs work



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1695 that is under the enforcement authority of the certificateholder  
1696 and who is not an immediate family member of the  
1697 certificateholder. For the purpose of this paragraph, the term  
1698 "immediate family member" means a spouse, child, parent,  
1699 sibling, grandparent, aunt, uncle, or first cousin of the person  
1700 or the person's spouse or a ~~any~~ person who resides in the  
1701 primary residence of the certificateholder.

1702 (8) ~~(7)~~ The division of ~~State Fire Marshal~~ and the Florida  
1703 Building Code Administrators and Inspectors Board, established  
1704 pursuant to s. 468.605, shall enter into a reciprocity agreement  
1705 to facilitate joint recognition of continuing education  
1706 recertification hours for certificateholders licensed under s.  
1707 468.609 and firesafety inspectors certified under subsection  
1708 (2).

1709 (9) ~~(8)~~ The State Fire Marshal shall develop by rule an  
1710 advanced training and certification program for firesafety  
1711 inspectors having fire code management responsibilities. The  
1712 program must be consistent with the appropriate provisions of  
1713 NFPA 1037, or similar standards adopted by the division, and  
1714 establish minimum training, education, and experience levels for  
1715 firesafety inspectors having fire code management  
1716 responsibilities.

1717 (10) ~~(9)~~ The department shall provide by rule for the  
1718 certification of firesafety inspectors and Fire Code  
1719 Administrators.

1720 Section 28. Section 633.085, Florida Statutes, is  
1721 transferred and renumbered as section 633.218, Florida Statutes,  
1722 paragraph (a) of subsection (1) and subsections (2) through (5)  
1723 of that section are amended, and paragraphs (e) and (f) are



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1724 added to subsection (1) of that section, to read:

1725 633.218 ~~633.085~~ Inspections of state buildings and  
1726 premises; tests of firesafety equipment; building plans to be  
1727 approved.—

1728 (1) (a) It is the duty of the State Fire Marshal and her or  
1729 his agents to inspect, or cause to be inspected, each state-  
1730 owned building on a recurring basis established by rule, and to  
1731 ensure that high-hazard occupancies are inspected at least  
1732 annually, for the purpose of ascertaining and causing to be  
1733 corrected any conditions liable to cause fire or endanger life  
1734 from fire and any violation of the firesafety standards for  
1735 state-owned buildings, ~~the provisions of~~ this chapter, or the  
1736 rules ~~or regulations~~ adopted and promulgated pursuant hereto.  
1737 The State Fire Marshal shall, within 7 days following an  
1738 inspection, submit a report of such inspection to the head of  
1739 the ~~department of state~~ agency ~~government~~ responsible for the  
1740 building.

1741 (e) For purposes of this section:

1742 1.a. The term "high-hazard occupancy" means any building or  
1743 structure:

1744 (I) That contains combustible or explosive matter or  
1745 flammable conditions dangerous to the safety of life or  
1746 property;

1747 (II) At which persons receive educational instruction;

1748 (III) At which persons reside, excluding private dwellings;

1749 or

1750 (IV) Containing three or more floor levels.

1751 b. As used in this subparagraph, the phrase "building or  
1752 structure":



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1753           (I) Includes, but is not limited to, all hospitals and  
1754 residential health care facilities, nursing homes and other  
1755 adult care facilities, correctional or detention facilities,  
1756 public schools, public lodging establishments, migrant labor  
1757 camp, residential child care facilities, and self-service  
1758 gasoline stations.

1759           (II) Does not include any residential condominium where the  
1760 declaration of condominium or the bylaws provide that the rental  
1761 of units shall not be permitted for less than 90 days.

1762 2. The term "state-owned building," includes private  
1763 correctional facilities as defined under s. 944.710(3).

1764  
1765 ===== T I T L E   A M E N D M E N T =====

1766 And the title is amended as follows:

1767           Delete line 33

1768 and insert:

1769           issuance of subpoenas; requiring the State Fire  
1770           Marshal to investigate certain fires and explosions  
1771           under certain circumstances; transferring,  
1772           renumbering, and