

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

**BILL:** CS/CS/SB 1410

**INTRODUCER:** Community Affairs Committee; Banking and Insurance Committee; and Senator Simmons

**SUBJECT:** Fire Safety and Prevention

**DATE:** April 10, 2013      **REVISED:** \_\_\_\_\_

|    | ANALYST                | STAFF DIRECTOR | REFERENCE | ACTION        |
|----|------------------------|----------------|-----------|---------------|
| 1. | <u>Matiyow/Burgess</u> | <u>Burgess</u> | <u>BI</u> | <u>Fav/CS</u> |
| 2. | <u>Toman</u>           | <u>Yeatman</u> | <u>CA</u> | <u>Fav/CS</u> |
| 3. | _____                  | _____          | <u>CJ</u> | _____         |
| 4. | _____                  | _____          | _____     | _____         |
| 5. | _____                  | _____          | _____     | _____         |
| 6. | _____                  | _____          | _____     | _____         |

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/CS/SB 1410 makes changes to Chapter 633, F.S., Fire Prevention and Control, which is administered by the Division of State Fire Marshal within the Florida Department of Financial Services. The bill:

- Revises provisions relating to the authority of the State Fire Marshal.
- Removes references to the Life Safety Code.
- Revises the renewal period for firesafety inspector certification from 3 years to 4.
- Revises provisions relating to the disciplinary authority of the State Fire Marshal.
- Authorizes the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons.
- Provides terms and conditions of probation.
- Revises provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal.
- Requires the State Fire Marshal, upon the request of certain local fire or local government officials, to investigate and keep records on all fires or explosions in the state. The local entity shall make an initial investigation of the incident.

- Revises provisions relating to the authority of agents of the State Fire Marshal.
- Clarifies provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided.
- Provides penalties for rendering a fire protection system inoperative.
- Provides penalties for using a certificate issued to another person.
- Defines the term “consultant.”
- Revises provisions to include investigation of explosions in fraudulent insurance claim investigations.
- Authorizes the State Fire Marshal to adopt rules to implement provisions relating to an insurance company’s investigation of a suspected explosion by intentional means.
- Clarifies and revises the powers and duties of the Division of State Fire Marshal (division).
- Requires the division to establish by rule uniform minimum standards for the employment and training of firefighters and volunteer firefighters.
- Requires the division to establish by rule minimum curriculum requirements and criteria for the approval of education or training providers.
- Requires the division to specify by rule standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters.
- Requires the division to specify by rule standards for the certification, denial of certification, probation, and revocation of certification for instructors.
- Requires the division to establish by rule minimum training qualifications for persons serving as specified firesafety coordinators.
- Requires the division to issue specified licenses, certificates, and permits.
- Requires notification for change of address of a licensee, permittee, or certificateholder.
- Requires notification of any felony actions against, a licensee, permittee, or certificateholder.
- Revises applicability of uniform firesafety standards and removes obsolete provisions.
- Revises how alternate members of the nonbinding Fire Code Interpretation Committee present interpretations and extends the length of time for providing an interpretation.
- Revises terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations by the division regarding the Florida Fire Prevention Code.
- Provides that a special district may enact any ordinance relating to firesafety codes that is identical to ch. 633, F.S., or any state law, except as to penalties.
- Clarifies persons authorized to inspect buildings and structures.
- Revises requirements of persons conducting firesafety inspections.
- Increases from 3 to 4 the number of years a fire safety inspector certificate is valid.
- Increases the continuing education requirements for a fire safety inspector certificate from 40 hours to 54 hours.
- Requires repeat training for firesafety inspectors whose certification has lapsed for 8 years.
- Revises grounds for denial, refusal to renew, suspension, or revocation of a firesafety inspector certificate.
- Requires the department to provide by rule for the certification of Fire Code Administrators.
- Make changes relating to inspection of state buildings and premises.
- Defines the terms “high-hazard occupancy” and “state-owned building.”
- Provides for the identification of state-owned buildings or state-leased buildings or space.

- Authorizes, rather than requires, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis.
- Requires the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually.
- Requires that all new construction or renovation, alteration, or change of occupancy of any existing, state-owned building or state-leased building or space comply with uniform firesafety standards.
- Authorizes the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards.
- Requires the division to issue orders to cease construction, renovation, or alteration, or to preclude occupancy, of a state-owned or state-leased building or space for noncompliance.
- Authorizes the Florida Fire Safety Board to review complaints and make recommendations.
- Provides for the election of officers, quorum, and compensation of the board and requires the board to adopt a seal.
- Revises the provisions relating to fire equipment dealers who wish to withdraw a previously filed halon equipment exemption affidavit.
- Provides conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection.
- Provides for the adoption of rules with respect to the establishment and calculation of inspection costs.
- Revises and clarifies provisions that exclude from licensure, for a specified period, applicants having a previous criminal conviction and defines the term “convicted.”
- Provides conditions under which a licensed fire equipment dealer may apply to convert the license currently held to a higher or lower licensing category.
- Provides a procedure for an applicant who passes an examination for licensure or permit but fails to meet remaining qualifications within 1 year after the application date.
- Revises provisions that authorize the State Fire Marshal to suspend a fire protection system contractor’s or permittee’s certificate.
- Deletes provisions authorizing revocation of a certificate for no more than 5 years.
- Provides for an additional member of the Firefighters Employment, Standards, and Training council to be added from the Florida Forest Service.
- Provides for organization of the council, meetings, quorum, compensation, and adoption of a seal.
- Provides for special powers of the council in connection with the employment and training of firefighters.
- Specifies classes of certification awarded by the division and authorizes the division to establish specified additional certificates by rule.
- Revises provisions relating to firefighter and volunteer firefighter training and certification.
- Requires the division to establish by rule specified courses and course examinations.
- Provides that courses may only be administered by specified education or training providers and taught by certified instructors.

- Revises provisions with respect to payment of training costs and payment of tuition for attendance at approved courses.
- Provides requirements for issuance by the division of a firefighter and volunteer firefighter certificate of compliance.
- Authorizes the division to issue a Special Certificate of Compliance and provides requirements and limitations with respect thereto.
- Provides procedures and requirements for reexamination after failure of an examination.
- Increases the required number of hours of the structural fire training program from 40 to 54 hours.
- Provides for a Forestry Certificate of Compliance and prescribes the rights, privileges, and benefits thereof.
- Revises provisions relating to disqualifying offenses and provides requirements of the division with respect to suspension or revocation of a firefighter certificate.
- Revises provisions relating to retention of certification as a firefighter and defines the term “active.”
- Prohibits a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification.
- Requires a fire service provider to make a diligent effort to determine possession of required certification prior to employing or retaining an individual for specified services.
- Defines the terms “diligent effort” and “employ.”
- Requires a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements.
- Authorizes the division to conduct site visits to fire departments to monitor compliance.
- Requires the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals.
- Specifies that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider.
- Specifies that policy guidelines be adopted by rule, classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division.
- Provides conditions for permanent revocation of certification, prospective application of such provisions, and retroactive application with respect to specified convictions.
- Revises provisions relating to revocation of certification.
- Provides requirements with respect to application for certification.
- Revises definitions of “firefighter employee,” “firefighter employer,” and “firefighter place of employment.”
- Revises provisions that require the division to make studies, investigations, inspections, and inquiries with respect to firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment.
- Authorizes the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers and further authorizes the division to enter premises to investigate compliance; also provides criminal penalties.
- Revises definitions of the terms “safe” and “safety.”

- Revises provisions relating to required safety inspections and clarifies that the division may not assess penalties as a result of such inspections.
- Requires firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule.
- Provides procedure if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented.
- Provides for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining.
- Provides for compensation of the workplace safety committee.
- Authorizes the cancellation of an insurance plan due to noncompliance.
- Prescribes additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S., and provides for location of hearings.
- Clarifies requirements from which private firefighter employers are exempt.
- Eliminates a prerequisite to exemption for specified firefighter employers.
- Requires reinspection after specified noncompliance.
- Removes provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction.
- Revises provisions relating to adjustments in payments of accidental death benefits for firefighters.
- Repeals the retrofit of existing nursing homes through the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.
- Repeals the State Fire Marshal Scholarship Grant Program.

The bill substantially amends and or renumbers the following sections of the Florida Statutes: 112.011, 112.1815, 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 633.01, 633.02, 633.021, 633.0215, 633.022, 633.025, 633.026, 633.027, 633.042, 633.052, 633.061, 633.065, 633.071, 633.081, 633.082, 633.083, 633.085, 633.101, 633.111, 633.115, 633.121, 633.14, 633.15, 633.151, 633.161, 633.162, 633.163, 633.171, 633.175, 633.31, 633.34, 633.35, 633.351, 633.352, 633.353, 633.38, 633.382, 633.39, 633.41, 633.42, 633.43, 633.44, 633.45, 633.46, 633.461, 633.47, 633.48, 633.49, 633.50, 633.511, 633.521, 633.527, 633.531, 633.534, 633.537, 633.539, 633.541, 633.547, 633.549, 633.551, 633.554, 633.557, 633.60, 633.70, 633.701, 633.702, 633.72, 633.801, 633.802, 633.803, 633.805, 633.806, 633.807, 633.809, 633.811, 633.812, 633.814, 633.816, 633.817, 633.818, 633.821, 893.13, 934.03, 943.61.1002.33, 1002.34, 1013.12, 1013.38.

The bill creates the following sections of the Florida Statutes: 633.132, 633.138, 633.406.

The bill repeals the following sections of the Florida Statutes: 633.024, 633.0245, 633.03, 633.0421, 633.13, 633.167, 633.18, 633.30, 633.32, 633.33, 633.37, 633.445, 633.46, 633.514, 633.517, 633.524, 633.804, 633.808, 633.810, 633.813, 633.815, 633.819, 633.820.

## **II. Present Situation:**

### **Division of the State Fire Marshal (State Fire Marshal)**

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.01, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal.<sup>1</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.<sup>2</sup>

The Division of the State Fire Marshal (Division) consists of the following four bureaus: fire and arson investigations, fire standards and training, forensic fire and explosives analysis, and fire prevention. The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 6,000 students per year. The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. Over 1.8 million fire and emergency reports are collected every year. These reports are entered into a database to form the basis for the State Fire Marshal's annual report.<sup>3</sup>

### **Definition of Terms**

Under current law s. 633.021, F.S., defines the following terms:

- “Certificate” means a certificate of competency issued by the State Fire Marshal.<sup>4</sup>
- “Certification” means the act of obtaining or holding a certificate of competency from the State Fire Marshal.<sup>5</sup>
- “High-hazard occupancy” means any building or structure:
  - That contains combustible or explosive matter or flammable conditions dangerous to the safety of life or property.
  - In which persons receive educational instruction.
  - In which persons reside, excluding private dwellings.
  - Containing three or more floor levels.

Such buildings or structures include, but are not limited to, all hospitals and residential health care facilities, nursing homes and other adult care facilities, correctional or detention facilities, public schools, public lodging establishments, migrant labor camps, residential child care facilities, and self-service gasoline stations.<sup>6</sup>

### **NFPA 101 Life Safety Code**

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<sup>1</sup> The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of State Fire Marshal is located within the DFS.

<sup>2</sup> Section 633.0215(1), F.S.

<sup>3</sup> Division of State Fire Marshal, *State Fire Marshal Website*, available at <http://www.myfloridacfo.com/sfm/> (last visited Apr 6, 2013).

<sup>4</sup> Section 633.021(2), F.S.

<sup>5</sup> Section 633.021(3), F.S.

<sup>6</sup> Section 633.021(13)(a), F.S.

The National Fire Protection Association publishes the NFPA 101 Life Safety Code. The Life Safety Code is used to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards, and covers life safety in both new and existing structures.<sup>7</sup> Under current law the State Fire Marshal must adopt the Life Safety Code.<sup>8</sup> The current Florida Fire Prevention Code and the Life Safety Code incorporates the NFPA 101 Life Safety Code as adopted by the State Fire Marshal.<sup>9</sup>

### **Suspension, Revocation and Fines**

Under current law, if the State Fire Marshal finds that one or more grounds exist for the suspension or revocation of any license, certificate, or permit issued by the division, the State Fire Marshal may, in its discretion for first time offenders, in lieu of the suspension or revocation, impose upon the licensee or permittee an administrative fine not to exceed \$1,000 for each violation, and not to exceed a total of \$10,000 in any one proceeding.<sup>10</sup> The State Fire Marshal may allow the licensee, certificateholder, or permittee a reasonable period, not to exceed 30 days, within which to pay to the State Fire Marshal the amount of the fine. If the licensee, certificateholder, or permittee fails to pay the administrative fine in its entirety to the State Fire Marshal within such period, the license, permit, or certificate shall stand suspended until payment of the administrative fine has been made.<sup>11</sup>

### **Investigation of Fires and Reports**

Under current law, the State Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring in this state wherein property has been damaged or destroyed where there is probable cause to believe that the fire was the result of carelessness or design. Report of all such investigations shall be made on approved forms to be furnished by the fire marshal.<sup>12</sup>

### **State Fire Marshal Agents - Authority**

Under current law the authority of the State Fire Marshal may be exercised by his or her agents, either individually or in conjunction with any other state or local official charged with similar responsibilities.<sup>13</sup>

### **Impersonating State Fire Marshal**

Under current law a person who falsely assumes or pretends to be the State Fire Marshal, an agent of the Division, a firefighter or a firesafety inspector and who acts as such to require a person to aid or assist him or her in any matter relating to the duties of the State Fire Marshal

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<sup>7</sup>National Fire Protection Association, *List of NFPA Codes & Standards*, available at <http://www.nfpa.org/aboutthecodes> (last visited Apr. 6, 2013).

<sup>8</sup> Section 633.0215(2), F.S.

<sup>9</sup> Section 633.01(1), F.S.

<sup>10</sup> Section 633.163(1), F.S.

<sup>11</sup> Section 633.163(2), F.S.

<sup>12</sup> Section 633.03, F.S.

<sup>13</sup> Section 633.13, F.S.

commits a felony of the third degree. If the impersonation occurs during the commission of a separate felony by that person, the impersonator shall be charged with a felony of the first degree.<sup>14</sup>

### **Tampering**

Under current law<sup>15</sup> it is a misdemeanor of the first degree to intentionally or willfully:

- Render a fire extinguisher or preengineered system required by statute or by rule inoperative except during such time as the extinguisher or preengineered system is being serviced, hydrotested, tested, repaired, or recharged, except pursuant to court order.
- Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.
- Improperly service, recharge, repair, hydrotest, test, or inspect a fire extinguisher or preengineered system.
- Use the license or permit number of another person.
- Hold a permit and allow another person to use said permit number.
- Use, or permit the use of, any license by any individual or organization other than the one to whom the license is issued.

### **Investigation of Fraudulent Insurance Claims**

Under current law the State Fire Marshal, their agents, or any fire department official engaged in the investigation of a fire loss may request any insurance company investigating a claim under an insurance policy or contract with respect to a fire to release any information whatsoever in the possession of the insurance company relative to a loss from that fire. The insurance company shall release the available information to and cooperate with any official authorized to request such information.<sup>16</sup> If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall notify the State Fire Marshal and shall furnish her or him with all material acquired by the company during the course of its investigation.<sup>17</sup>

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<sup>14</sup> Section 633.151, F.S.

<sup>15</sup> Section 633.171(2), F.S.

<sup>16</sup> Section 633.175(1), F.S.

<sup>17</sup> Section 633.175(2), F.S.



## **Fees; Insurance Regulatory Trust Fund**

Under current laws:<sup>18</sup>

The initial application fee for each class of certificate is \$300.

The biennial renewal fee for each class of certificate is \$150.

The initial application fee for the permit classification is \$100.

The biennial renewal fee for the permit classification is \$50.

The fee for certificates issued as duplicates or to reflect a change of address is \$15.

The fee for each examination or reexamination for each class of certificate is \$100.

The fee for a Class A fire suppression equipment license is \$250.

The fee for a Class B and C fire suppression equipment license is \$150.

The fee for a Class D fire suppression equipment license is \$200.

The fee for certificates issued as duplicates or to reflect a change of address is \$10.

All moneys collected by the State Fire Marshal are deposited in the Insurance Regulatory Trust Fund,<sup>19</sup> which is administered by the Office of Insurance Regulation of the Financial Services Commission, and is administratively housed in the Department of Financial Services. The Insurance Regulatory Trust Fund provides funding for the regulation of the insurance and fire protection industries. The sources of revenues to the trust fund come from license fees, fines and taxes collected from the insurance and fire protection industries.<sup>20</sup>

## **Examination Providers**

Under current law the State Fire Marshal may enter into a contract with any qualified public entity or private company in accordance with chapter 287 to provide examinations for any applicant for any examination administered under the jurisdiction of the State Fire Marshal. The State Fire Marshal may direct payments from each applicant for each examination directly to such contracted entity or company.<sup>21</sup>

## **The Florida Fire Code Advisory Council**

The Council is housed at the Department of Financial Services and consists of 11 members appointed by the State Fire Marshal. Each appointee serves a 4-year term but no member can serve more than two consecutive terms. The Council advises and recommends to the State Fire Marshal changes to and interpretation of the uniform firesafety standards, the Florida Fire Prevention Code, and those portions of the Florida Fire Prevention Code that have the effect of conflicting with building construction standards of the Florida Building Code. The members of the Council must represent the following groups and professions:

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<sup>18</sup> Section 633.524(1), F.S., and s. 633.061, F.S.

<sup>19</sup> Section 633.524(2), F.S.,

<sup>20</sup> Section 624.523, F.S.

<sup>21</sup> Section 633.524(3), F.S.

- one member shall be the State Fire Marshal, or his or her designated appointee who shall be an administrative employee of the marshal,
- one member shall be an administrative officer from a fire department representing a municipality or a county selected from a list of persons submitted by the Florida Fire Chiefs Association,
- one member shall be an architect licensed in the state selected from a list of persons submitted by the Florida Association/American Institute of Architects,
- one member shall be an engineer with fire protection design experience registered to practice in the state selected from a list of persons submitted by the Florida Engineering Society,
- one member shall be an administrative officer from a building department of a county or municipality selected from a list of persons submitted by the Building Officials Association of Florida,
- one member shall be a contractor licensed in the state selected from a list submitted by the Florida Home Builders Association,
- one member shall be a Florida certified firefighter selected from a list submitted by the Florida Professional Firefighters' Association,
- one member shall be a Florida certified municipal fire inspector selected from a list submitted by the Florida Fire Marshal's Association,
- one member shall be selected from a list submitted by the Department of Education,
- one member shall be selected from a list submitted by the Chancellor of the State University System, and
- one member shall be a representative of the general public.<sup>22</sup>

### **Firesafety Inspector Certificate**

Under current law every firesafety inspector certificate is valid for 3 years from the date of issuance. Renewal of certification is subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal, which shall include completion of at least 40 hours during the preceding 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.<sup>23</sup>

### **Fire Equipment Dealer License - Reexamination**

Under current law a fire equipment dealer applicant who fails the examination may take it 3 more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course approved by the State Fire College or an equivalent course approved by the State Fire Marshal. An applicant may not submit a new application within 6 months after the date of his or her last reexamination.<sup>24</sup>

### **5 Year Limit on Revocation**

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<sup>22</sup> Section 633.72(1), F.S.

<sup>23</sup> Section 633.081(5), F.S.

<sup>24</sup> Section 633.061(4)(d), F.S.

Under s. 633.547(3)(b), F.S., the State Fire Marshal may revoke a fire protection system contractor certificate for a period not to exceed 5 years.

### **Firefighters Employment, Standards, and Training Council**

The Council is housed at the Department of Financial Services and consists of 13 members: Two members are fire chiefs appointed by the Florida Fire Chiefs Association, two members are firefighters who are not officers, appointed by the Florida Professional Firefighters Association, two members are firefighter officers who are not fire chiefs, appointed by the State Fire Marshal, one member appointed by the Florida League of Cities, one member appointed by the Florida Association of Counties, one member appointed by the Florida Association of Special Districts, one member appointed by the Florida Fire Marshal's Association, and one member appointed by the State Fire Marshal, and one member are a director or instructor of a state-certified firefighting training facility appointed by the State Fire Marshal. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining member, who shall be appointed by the State Fire Marshal, may not be a member or representative of the firefighting profession or of any local government. Members serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.<sup>25</sup> Members are appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.<sup>26</sup>

Under current law the Council shall have the power to consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds, and the development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields.<sup>27</sup>

### **Criminal History**

Under current law a firefighter applicant cannot have been convicted of a felony or of a misdemeanor directly related to the position of employment sought, nor have pled nolo contendere to any charge of a felony. If an applicant has been convicted of a felony, such applicant must be in compliance with s. 112.011(2)(b), F.S. If an applicant has been convicted of a misdemeanor directly related to the position of employment sought, such applicant shall be excluded from employment for a period of 4 years after expiration of sentence. If the sentence is suspended or adjudication is withheld in a felony charge or in a misdemeanor directly related to

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<sup>25</sup> Section 633.31(1), F.S.

<sup>26</sup> Section 633.31(2), F.S.

<sup>27</sup> Section 633.33(4), F.S.

the position or employment sought and a period of probation is imposed, the applicant must have been released from probation.<sup>28</sup>

### **Supplemental Income for Firefighters**

Every firefighter is entitled to supplemental compensation from the employing agency when specified circumstances are met.<sup>29</sup> The Firefighters' Supplemental Compensation Trust Fund, created under the Department of Revenue, provides the funds necessary for the supplemental compensation.<sup>30</sup> The Firefighters' Supplemental Compensation Trust Fund is funded by certain amounts appropriated from the Police and Firefighter's Premium Tax Trust Fund.<sup>31</sup>

The amount of supplemental compensation for a firefighter is determined as follows:

- Fifty dollars is paid monthly to a firefighter who receives an associate degree from a college, if the degree is applicable to fire department duties;
- One hundred and ten dollars is paid monthly to a firefighter who receives a bachelor's degree from a college or university, regardless of whether the firefighter earned an associate degree earlier, if the bachelor's degree is applicable to fire department duties.

### **Florida State Fire College**

The stated purpose of the Florida State Fire College is:<sup>32</sup>

- To provide firefighters with professional instruction and training in firefighting, fire prevention, and emergency operations.
- To develop new methods and practices for firefighting and fire prevention.
- To assist the state and local governments in their investigation and determination of the causes of fires.
- To provide facilities for testing firefighting equipment.
- To disseminate information on fires, firefighting and fire prevention to fire departments and others interested persons.
- To do such other things necessary for the promotion of public safety in the field of fire hazards and fire prevention work.

Current law requires that, in performing its duties related to the Florida State Fire College, the division must:<sup>33</sup>

- Enter into agreements with school districts, community colleges, junior colleges, or universities, as necessary to perform its duties;
- Approve appropriate budget requests for the fire college educational program;

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<sup>28</sup> Section 633.34(2), F.S.

<sup>29</sup> Section 633.382, F.S.

<sup>30</sup> Section 633.382(4)(c), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 633.44, F.S.

<sup>33</sup> Section 633.50, F.S.

- Prepare a legislative budget request for the Florida State Fire College education program;
- Implement procedures to obtain appropriate entitlement funds from federal and state grants; and
- Develop a staffing and funding formula for the Florida State Fire College.

### **Frequency of Work-Related Injuries**

Current law requires the division to develop a process to identify firefighter employers whose firefighters have a high frequency or severity of work-related injuries.<sup>34</sup> This process includes:

- Performing safety inspections of the facilities and operations; and
- The development of safety and health programs.

A firefighter employer identified as having a high frequency or severity of work-related injuries must implement a safety and health program developed by the division. The division cannot assess a penalty based on the results of a safety inspection, except the insurer or self-insurance fund can cancel the contract or terminate any discount that had been granted. Insurers shall distribute such safety and health programs to the firefighter employers so identified by the division. A firefighter employer can submit its own program in lieu of using the program developed by the division, subject to approval by the division.

### **Disqualification from Public Employment Based on Criminal Conviction**

Generally, a person cannot be disqualified from public employment solely because of a prior conviction for a crime, unless the crime was a felony or first-degree misdemeanor and directly related to the position of employment. The general application of this provision, however, does not apply to firefighters. A person applying to become a firefighter who has a prior felony conviction shall be excluded from employment for a period of 4 years after the expiration of the sentence, or until the person has received a full pardon or has had his or her civil rights restored.

### **Legislative Ratification of Agency Rules**

Current law provides that if the adverse impact or regulatory costs of a rule exceed specified criteria, the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives at least 30 days before the next legislative session, and the rule is not effective until ratified by the Legislature.<sup>35</sup> These provisions do not apply to the adoption of emergency rules or federal standards.

When multiple bills that pass in the same session affect the same statutory provision in inconsistent and irreconcilable ways, the version that is most strongly supported by legislative intent is placed in the text, and a footnote is inserted setting out the alternative text and explaining the conflict.<sup>36</sup>

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<sup>34</sup> Section 633.809, F.S.

<sup>35</sup> Section 120.541(3), F.S.

<sup>36</sup> See, the Preface to Florida Statutes: "STATUTORY CONSTRUCTION: Multiple acts in the same section affecting a statutory provision."

In 2011, the legislature passed CS/CS/CS/HB 993 and HB 7239, which amended s. 120.541(4), F.S.<sup>37</sup> In addition, the legislature passed CS/CS/CS/HB 849, which also amended s. 120.541(4), F.S., by providing that emergency rules would be subject to legislative ratification.<sup>38</sup> Further, that bill provided that triennial updates and amendments to the Florida Building Code and triennial updates and amendments to the Florida Fire Prevention Code would be exempt from legislative ratification. The provisions of CS/CS/CS/HB 993 and HB 7239 were incorporated into statutory text, but the provisions of CS/CS/CS/HB 849 were put in footnote 1 of that section.

### **Property Tax Exemptions**

In 2012, the legislature passed CS/HB 95, titled the “Fallen Heroes Family Tax Relief Act.” The CS provided an exemption from property tax on a homestead owned by a surviving spouse of a first responder who died in the line of duty. The CS defined a first responder to be a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic. The effect of the act becoming law was contingent upon House Joint Resolution 93 being approved by Florida voters in the general election in November 2012. As a result, the current 2012 F.S. contain the provisions of CS/HB 95 as a footnote. Subsequent to the publication of the 2012 F.S., the text of Joint Resolution 93 was passed as an amendment to the Florida Constitution.

### **III. Effect of Proposed Changes:**

**Section 1** requests the Division of Law Revision and Information to create part 1 of chapter 633, Florida Statutes, consisting of sections 633.102, 633.104, 633.106, 633.108, 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126, 633.128, 633.132, 633.134, 633.136, and 633.138, F.S., to be entitled “General Provisions.”

**Section 2** renumbers current s. 633.021, F.S., to become s. 633.102, F.S., incorporates language from s. 633.30, F.S., makes technical changes in regards to drafting, removes definitions for certificate, certification, and high hazard occupancy and adds definitions for:

- “Department” means the Department of Financial Services.
- “Division” means the Division of State Fire Marshal within the Department of Financial Services.
- “Firefighter” means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division.
- “Fire service support personnel” means an individual who does not hold a current and valid certificate issued by the division and who may only perform support services.
- “Fire service provider” means a municipality or county, the state, or any political subdivision of the state, including authorities and special districts, employing firefighters or utilizing volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.

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<sup>37</sup> See, s. 2, ch. 2011-225, L.O.F.

<sup>38</sup> See, s. 1, ch. 2011-222, L.O.F.

- “Hot zone” means the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.
- “Minimum Standards Course” means training of at least 360 hours as prescribed by rule adopted by the division which is required to obtain a Firefighter Certificate of Compliance.
- “Support services” means those activities that a fire service provider has trained an individual to perform safely outside the hot zone of an emergency scene, including pulling hoses, opening and closing fire hydrants, driving and operating apparatus, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, or similar activities.
- “Suspension” means the temporary withdrawal of a license, certificate, or permit issued pursuant to this chapter.
- “Volunteer firefighter” means an individual who holds a current and valid Volunteer Firefighter Certificate of Completion issued by the division.

The bill also clarifies a Contractor IV is limited to the scope of practice specified in NFPA 13D.

**Section 3** renumbers current s. 633.01, F.S., to become s. 633.104, F.S., requires the State Fire Marshal establish by rule guidelines and procedures for a 4-year renewal of firesafety inspector certification. The bill removes references to the Life Safety Code which is incorporated in the Florida Fire Prevention Code. It incorporates s. 633.517(2), F.S., allowing the State Fire Marshal or her or his duly appointed hearing officer may administer oaths and take testimony about all matters within the jurisdiction of this chapter. Chapter 120 shall govern hearings conducted by or on behalf of the State Fire Marshal. The bill incorporates s. 633.524(3), F.S., allowing that the State Fire Marshal may contract with any qualified public entity or private company in accordance with chapter 287 to provide examinations for any applicant for any examination administered under the jurisdiction of the State Fire Marshal. The State Fire Marshal may direct payments from each applicant for each examination directly to such contracted entity or company. The bill also makes technical changes in regards to drafting.

**Section 4** renumbers current s. 633.163, F.S., to become s. 633.106, F.S., inserts current language granting the State Fire Marshal the authority to deny, suspend, or revoke the license, certificate, or permit of any individual who does not meet the qualifications established by, or who violates any provision under this chapter or any rule authorized by this chapter. The bill inserts current language found in s. 633.167, F.S., regarding probationary periods as well as the ability of the State Fire Marshal to impose a fine not to exceed \$1,000 per violation. It allows the State Fire Marshal to set terms and conditions and to take disciplinary action for any violations of such terms and also makes technical changes in regards to drafting.

**Section 5** renumbers current s. 633.15, F.S., to become s. 633.108, F.S.

**Section 6** renumbers current s. 633.101, F.S., to become s. 633.112, F.S., incorporates language found in ss. 633.03, F.S., and 633.18, F.S., additionally the bill requires the State Fire Marshal, upon the request of certain local fire or local government officials, to investigate the cause, origin, and circumstances of every fire or explosion occurring in this state. The local entity shall make an initial investigation of the incident based upon department-adopted rules for such preliminary investigations. Reports of such investigations shall be made on approved forms to be furnished by the State Fire Marshal. The bill also makes technical changes in regards to drafting.

**Section 7** renumbers current s. 633.111, F.S., to become s. 633.112, F.S., requires the State Fire Marshal to keep records of all explosions in the state.

**Section 8** renumbers current s. 633.02, F.S., to become s. 633.114, F.S., incorporates s. 633.13, F.S., with regards to authorization for agents of the State Fire Marshal to investigate individually or in conjunction with any other state or local official charged with similar responsibilities.

**Section 9** renumbers current s. 633.14, F.S., to become s. 633.116, F.S.

**Section 10** renumbers current s. 633.121, F.S., to become s. 633.118, F.S., replaces the term “fire department” with “fire service providers” and makes technical changes in regards to drafting.

**Section 11** renumbers current s. 633.151, F.S., to become s. 633.122, F.S., includes the impersonation of a “volunteer firefighter” when impersonating oneself as the State Fire Marshal, an agent of the division, a firefighter, a volunteer firefighter, or a firesafety inspector by wearing a uniform or presenting or displaying a badge as credentials that would cause a reasonable person to believe that the impersonator is a State Fire Marshal, an agent of the division, a firefighter, a volunteer firefighter, or firesafety inspector. The current penalties committed for impersonating those listed above are a felony of the third degree, punishable as provided in ss. 775.082 and 775.083, F.S., or, if the impersonation occurs during the commission of a separate felony by that person, commits a felony of the first degree, punishable as provided in ss. 775.082 and 775.083, F.S. Also makes technical changes in regards to drafting.

**Section 12** renumbers current s. 633.171, F.S., to become s. 633.124, F.S., includes penalties for rendering inoperative a “fire protection system” as well as penalties for the use of a certificate or permit issued to another person. Also makes technical changes in regards to drafting.

**Section 13** renumbers current s. 633.175, F.S., to become s. 633.126, F.S., adds the term “consultant” which means any individual or entity, or employee of the individual or entity, retained by an insurer to assist in the investigation of a fire, explosion, or suspected fraudulent insurance act. In addition, explosions are added to the jurisdiction of the State Fire Marshal who may request any insurance company investigating a claim under an insurance policy or contract with respect to an explosion to release any information whatsoever in the possession of the insurance company relative to a loss from that explosion. The bill also makes technical changes in regards to drafting.

**Section 14** renumbers current s. 633.45, F.S., to become s. 633.128, F.S., establishes by rule, uniform minimum standards for training volunteer firefighters, minimum curriculum requirements and criteria used by approve education or training providers as well as, standards for the approval, denial, probation, suspension, and revocation of an education or training provider and the facilities used for training. The bill increases from 3 years to 4 years the time an education instructor must complete their 40 hours of continuing education and also makes technical changes in regards to drafting.

**Section 15** creates s. 633.132, F.S., which adds a \$10 fee for each permittee and licensee wanting to change their fire equipment dealer’s license to a different category. Per the department, such



requests currently result in a new application fee of \$150 to \$250 depending on license type. The bill also incorporates the fees listed in s. 633.061, F.S., except the fee for duplicate license or change of address which has been reduced from \$15 to \$10.

**Section 16** renumbers current s. 633.39, F.S., to become s. 633.134, F.S.

**Section 17** renumbers current s. 633.115, F.S., to become s. 633.136, F.S., makes technical changes when referencing the division as well as technical changes with regards to cross referencing other statutes and drafting.

**Section 18** creates s. 633.138, F.S., which requires individuals issued a license, permit, or certificate under this chapter to notify the division in writing of any changes to her or his current mailing address, e-mail address, and or place of practice. Notwithstanding any other provision of law, delivery by regular mail or e-mail using the last known mailing address or e-mail address on record with the division, shall constitute adequate and sufficient notice on any official communication by the division. Furthermore, any individual issued a license, permit, or certificate under this chapter shall notify the division in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

**Section 19** renumbers current s. 633.042, F.S., to become s. 633.142, F.S., and adds language in s. 633.0421, F.S.

**Section 20** requests the Division of Law Revision and Information to create part 1 of chapter 633, F.S., consisting of ss. 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226, and 633.228, F.S., to be entitled “Fire Safety and Prevention.”

**Section 21** renumbers current s. 633.0215, F.S., to become s. 633.202, F.S., requires the State Fire Marshal to adopt the current edition of the National Fire Protection Association’s Standard 1, the current edition of Life Safety Code and the current edition of NFPA 101. Removes obsolete language pertaining to a study and the adoption of rules for a voice-over-Internet-protocol telephone service. Per the department, such study has been completed and the rules have since been adopted. Makes technical changes with regards to cross referencing other statutes and drafting.

**Section 22** renumbers current s. 633.72, F.S., to become s. 633.204, F.S., allows for the Florida Fire Chiefs Association’s member of the Council who is an administrative officer of a fire department to be a representative of a special district rather than only a representative of a county or municipality. Changes the name of the Florida Fire Marshals’ Association to the Florida Fire Marshals’ and Inspectors’ Association. Requires the council shall meet at least semiannually to advise the State Fire Marshal’s Office on matters subject to this section. Allows the council to review proposed changes to the Florida Fire Prevention Code and the uniform fire safety standards pursuant to s. 633.202(4), F.S. Makes technical changes with regards to cross referencing other statutes and drafting.

**Section 23** renumbers current s. 633.022, F.S., to become s. 633.206, F.S., and removes an obsolete requirement that a nursing home licensee must submit complete sprinkler construction documentation to the Agency for Health Care Administration. The bill also makes technical changes with regards to cross referencing other statutes.

**Section 24** renumbers current s. 633.025, F.S., to become s. 633.208, F.S., changes the term “minimum firesafety codes and standards” to “Florida Fire Prevention Code.” Makes technical changes with regards to cross referencing other statutes and drafting.

**Section 25** renumbers current s. 633.026, F.S., to become s. 633.212, F.S., \*revises how alternate members of the nonbinding Fire Code Interpretation Committee are called upon to respond when interpretations are requested, extends the length of time by which an interpretation must be provided, and provides for a yes/no question on the interpretation form. Also changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S., and changes the term “formal interpretation” to “declaratory statement” with regards to interpretation made by the division. Makes technical changes with regards to cross referencing other statutes and drafting.

**Section 26** renumbers current s. 633.052, F.S., to become s. 633.214, F.S., changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S. The bill clarifies citations can be issued by a firesafety inspector for violations of the Florida Fire Prevention Code. Allows a “special district” to enact any ordinance relating to firesafety that is identical to the Florida Fire Prevention Code. Also makes technical changes with regards to drafting.

**Section 27** renumbers current s. 633.081, F.S., to become s. 633.216, F.S., clarifies persons authorized to enforce laws and rules on behalf of the State Fire Marshal may conduct inspections. The bill cross references other statutes in regards to requirements for firesafety certification. Increases from 3 years to 4 the number of years an inspector certificate is valid as well as the number of years continuing education must be completed. The bill increases the continuing education requirements for a fire safety inspector certificate from 40 hours to 54 hours. Requires a previously certified firesafety inspector whose certification has lapsed for 8 years or more must repeat the fire safety inspector training as specified by the division. The bill changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S., and makes other technical changes with regards to cross referencing other statutes and drafting.

**Section 28** renumbers current s. 633.085, F.S., to become s. 633.218, F.S., includes the current definition of s. 633.021(13), F.S., for “high-hazard occupancy.” Applies the term “state-owned building” to include private correctional facilities as defined under s. 944.710(3), F.S. Requires a state-owned building or state-leased building or space shall be identified through use of the United States National Grid Coordinate System. The bill clarifies the uses of the terms “high-hazard occupancy” and “state-owned building” as they are applied to this section. Changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S., and makes technical changes with regards to drafting.

**Section 29** renumbers current s. 633.027, F.S., to become s. 633.222, F.S., makes technical changes with regards to cross referencing other statutes and drafting.

**Section 30** renumbers current s. 633.60, F.S., to become s. 633.224, F.S., makes technical changes with regards to cross referencing other statutes and drafting.

**Section 31** renumbers current s. 633.557, F.S, to become s. 633.226, F.S.

**Section 32** renumbers current s. 633.161, F.S., to become s. 633.228, F.S., makes technical changes with regards to cross referencing other statutes and drafting.

**Section 33** requests the Division of Law Revision and Information to create part III of chapter 633, F.S., consisting of ss. 633.302, 633.304, 633.306, 633.308, 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326, 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344, 633.346, 633.348, and 633.3482, F.S., to be entitled “Fire Protection and Suppression.”

**Section 34** renumbers current s. 633.511, F.S., to become s. 633.302, F.S., the bill incorporates all the language in s. 633.514, F.S., and makes technical changes with regards to cross referencing other statutes and drafting. Also changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S.

**Section 35** renumbers current s. 633.061, F.S., to become s. 633.304, F.S., strikes the fees that have been moved into s. 633.132(1)(a)6, F.S. Requires fire equipment dealers who wish to withdraw their previously filed halon equipment exemption affidavit must notify the division in writing and obtain an inspection before installing, removing or servicing halon equipment. Increases from 2 years to 4 years the time a fire equipment dealer license may be inactive before being voided. Makes technical changes to the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S. Allows fire equipment dealer applicant’s with facilities outside of the state, instead of paying for an inspection completed by the division, can provide a notarized statement from a professional engineer licensed by the applicant’s state verifying the applicant possesses the equipment required for the class of license sought and that all such equipment is operable. The bill requires applicants of this section must not have been convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country. If an applicant has been convicted of any such crime, the applicant shall be excluded from licensure for a period of 4 years after expiration of sentence or final release by the Parole Commission unless the applicant receives a full pardon or has had her or his civil rights restored. Allows the procedure for which a fire equipment dealer can convert their license to a lower licensing category. Removes current restrictions on number reexaminations for a fire equipment license in a given year but requires an applicant who passes the exam has one year from the application date to complete the licensure requirements or else the applicant must reapply. The bill also makes technical changes with regards to drafting.

**Section 36** renumbers current s. 633.065, F.S., to become s. 633.306, F.S., makes technical changes with regards to cross referencing other statutes.

**Section 37** renumbers current s 633.071, F.S., to become s. 633.308, F.S., makes technical changes with regards to cross referencing other statutes and drafting.

**Section 38** renumbers current s. 633.082, F.S., to become s. 633.312, F.S., makes technical changes with regards to cross referencing other statutes and clarifies the term “appropriate authority” in lieu of the terms “agency having jurisdiction” and “agency shall.”

**Section 39** renumbers current s. 633.083, F.S., to become s. 633.314, F.S., makes technical changes with regards to drafting.

**Section 40** renumbers current s 633.162, F.S., to become s. 633.316, F.S., makes technical changes with regards to cross referencing other statutes and drafting.

**Section 41** renumbers current s. 633.521, F.S., to become s. 633.318, F.S., changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S. Makes other technical changes with regards to cross referencing other statutes and drafting.

**Section 42** renumbers current s. 633.551, F.S., to become s. 633.322, F.S., allows a “special district” to regulate the work performed by contractors through a system of permits, plan approval, fees, and inspections which are designed to secure compliance with state and local building laws or to enforce other local laws. The bill also makes other technical changes with regards to drafting.

**Section 43** renumbers current s. 633.527, F.S., to become s. 633.324, F.S.

**Section 44** renumbers current s. 633.531, F.S., to become s. 633.326, F.S.

**Section 45** renumbers current s. 633.534, F.S., to become s. 633.328, F.S., changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S., and makes other technical changes with regards to drafting.

**Section 46** renumbers current s. 633.537, F.S., to become s. 633.332, F.S., and strikes the fee for renewal of an inactive license which has been moved into s. 633.132(1)(a)7, F.S. Also makes technical changes with regards to drafting.

**Section 47** renumbers current s. 633.539, F.S., to become s. 633.334, F.S., and changes the name “division of State Fire Marshal” to the new definition term “division” created in s. 633.102(5), F.S. Allows a Contractor V to install the cross-connection backflow prevention device as defined on new installations following the engineer of record’s direction on the type and size of the device. Also, makes other technical changes with regards cross referencing other statutes.

**Section 48** renumbers current s. 633.541, F.S., to become s. 633.336, F.S., and makes technical changes with regards to cross referencing other statutes and drafting.

**Section 49** renumbers current s. 633.547, F.S., to become s. 633.338, F.S., and allows disciplinary actions taken by a “special district” to be reviewed by the State Fire Marshal to determine issuing additional disciplinary action. Clarifies the terms and conditions when the

State Fire Marshal suspends a license. The bill removes the restriction that the State Fire Marshal cannot revoke a license for more than 5 years. Makes other technical changes with regards to cross referencing other statutes and drafting.

**Section 50** renumbers current s. 633.549, F.S., to become s. 633.342, F.S., and makes technical changes with regards to drafting.

**Section 51** renumbers current s. 633.554, F.S., to become s. 633.344, F.S.

**Section 52** renumbers section 633.70, F.S., to become s. 633.346, F.S., and makes technical changes with regards to cross referencing other statutes and drafting.

**Section 53** renumbers current s. 633.701, F.S., to become s. 633.348, F.S.

**Section 54** renumbers current s. 633.702, F.S., to become s. 633.3482, F.S., and makes technical changes with regards to drafting.

**Section 55** requests the Division of Law Revision and Information to create part IV of chapter 633, F.S., consisting of ss. 633.402, 633.404, 633.406, 633.408, 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426, 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, and 633.444, F.S., to be entitled "Fire Standards and Training."

**Section 56** renumbers current s. 633.31, F.S., to become s. 633.402, F.S., and incorporates language in ss. 633.32 and 633.33, F.S. The bill adds a member to the Firefighters Employment, Standards, and Training Council who is to be an employee of the Florida Forest Service appointed by the director of the Florida Forest Service at the Department of Agriculture and Consumer Services. Removes the current authority under s 633.33(4), F.S., allowing the Council to consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds, and the development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields. The bill makes technical changes with regards to drafting.

**Section 57** renumbers current s. 633.42, F.S., to become s. 633.404, F.S., clarifies the term "a fire service provider" in lieu of "an employing agency," and changes "department" to "division."

**Section 58** creates s. 633.406, F.S., by incorporating the "firefighter certificate of compliance," the "special certificate of compliance" and the "forestry certificate of compliance" from s. 633.35, F.S., the "certificate of competency" from s. 633.021(2), F.S., and creates the "fire services instructor certificate" and "volunteer firefighter certificate." Additionally, the bill allows that the division may establish by rule certificates and awards in recognition of special training or education received by an individual, authorizing that individual to perform specialized firefighting services or provide specialized firefighting instruction, such as hazardous materials and urban search and rescue.

**Section 59** renumbers current s. 633.35, F.S., to become s. 633.408, F.S., requires the division to establish by rule a Minimum Standards Course and course examination to provide the training required to obtain a firefighter certificate of compliance courses; course examinations to provide training required to obtain a volunteer firefighter certificate of completion or a special certificate of compliance; and courses to provide continuing training for firefighters and volunteer firefighters. Courses may only be administered by education or training providers approved by the division and taught by certified instructors. Allows but does not require a fire service provider to pay part or all of the costs of tuition for attendance at approved courses. Allows for firefighters from other states to be certified if the division determines their training meets the minimum training required under this section. The bill allows for an extension of the 6-month reexamination period based upon documented medical necessity. Also makes technical changes with regards to cross referencing other statutes and drafting.

**Section 60** renumbers current s. 633.34, F.S., to become s. 633.412, F.S., replaces the term “employment” with “certification,” and strengthens the requirement that an applicant cannot have been convicted of a misdemeanor relating to the certification or to perjury or false statements. Imposes a lifetime ban for licensure on anyone having been convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state or under the law of any other country. The bill also imposes a new restriction, that an applicant cannot have been dishonorably discharged from the Armed Forces of the United States. Defines the term “convicted” to mean a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case. Requires when the division suspends or revokes an individual’s certificate, the division must suspend or revoke all other certificates issued by the division.

**Section 61** renumbers current s. 633.352, F.S., to become s. 633.414, F.S., changes the time a certificate is valid from 3 years to 4, requires a minimum of 40 hours of training every 4 years, requires reexamination of the Minimum Standards Course within 6 months of the 4-year expiration, and also requires certificateholder must be active as a firefighter. Requires certified fire safety instructors to provide documentation that they taught a minimum of 40 hours every 4 years. Requires volunteer firefighters be active or successfully complete a minimum of 40 hours of training every 4 years. Defines the term “active” as being employed as a firefighter or providing service as a volunteer firefighter for a cumulative 6 months within a 4-year period. Applies the new 4-year certificate is applied to new applicants beginning July 1, 2013, and is prospectively applied among current certificateholder beginning July 1, 2014.

**Section 62** renumbers current s. 633.41, F.S., to become s. 633.416, F.S., and establishes standards for firefighter employment and volunteer firefighter service. The bill provides that a fire service provider:

- Can only hire someone with a Firefighter Certificate of Compliance to extinguish fires for the protection of life or property or supervise others to do so;
- Can only hire someone with a Firefighter Certificate of Compliance or Special Certificate of Compliance to serve as the administrative and command head; and

- Can only retain the services of someone volunteering to extinguish fires for the protection of life or property or to supervise others to do so if the person has Volunteer Firefighter Certificate of Completion.

The bill provides that the fire service provider must make a diligent effort to insure that all hires meet the specified certificate requirements, including contacting at least three of the applicant's previous employers and contacting the division to determine the applicant's certification status.

The bill provides that within 10 days the fire service provider must notify the division of: the hiring of a firefighter; the retention of a volunteer firefighter; the termination of employment of a firefighter; or of its decision not to retain a volunteer firefighter. The bill specifies the information that must be included in the fire service provider's notification to the division. If the fire service provider makes a determination that an applicant has not met the certification requirements, the fire service provider must notify the division within 10 days. The bill authorizes the division to conduct site visits to fire departments to insure compliance with the provisions of this section.

**Section 63** renumbers current s. 633.38, F.S., to become s. 633.418, F.S., and changes references and other minor technical changes. Further, current law requires the division to prescribe curricula and standards for advanced and specialized training courses, but provides that these standards do not bind any employing agency as to the requirements it may have for promoting personnel. The bill exempts "fire service providers" from the standards, as opposed to the current term "employing agency."

**Section 64** renumbers current s. 633.382, F.S., to become s. 633.422, F.S. The bill adds legislative intent recognizing the need for supplemental compensation for firefighters who pursue higher educational opportunities that directly relate to the improvement of the health, safety, and welfare of firefighters and those who firefighters protect. The bill specifies that for the purposes of s. 633.422, F.S., division is to be considered a fire service provider responsible for payment of supplemental compensation to firefighters employed full-time by the division. The bill removes certain definitions.

**Section 65** renumbers current s. 633.353, F.S., to become s. 633.424, F.S., and makes minor technical changes.

**Section 66** renumbers current s. 633.351, F.S., to become s. 633.426, F.S., relating to disciplinary action and standards for revocation of certification. The bill defines "certificate" to mean any of the certificates issued under s. 633.406, F.S.<sup>39</sup> The bill provides that a person is not eligible to apply for a certificate if the individual has been:

- Convicted of a misdemeanor relating to the certification or to perjury or false statements;
- Convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of any other state, of United States, or of another country; or

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<sup>39</sup> As identified in the description of newly created s. 633.406, F.S., the certificates that will be issued under that section include a Firefighter Certificate, a Fire Safety Inspector Certificate, a Forestry Certificate, a Fire Service Instructor Certificate, Certificate of Competency, a Special Certificate of Compliance, and a Volunteer Firefighter Certificate.

- Dishonorably discharged from any of the Armed Forces of the United States.

The bill provides that the certification of an individual will be permanently revoked if the individual:

- Is convicted of a misdemeanor relating to perjury or false statement;
- Is convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of any other state, of United States, or of another country;
- Is dishonorably discharged from any of the Armed Forces of the United States; or
- Has demonstrated a lack of moral fitness to carry out the responsibilities under the certification.

The provisions of this section that apply to revocation of a certificate will be applied prospectively to convictions and dishonorable discharges after July 1, 2013. For convictions prior to July 1, 2013, the statute as it existed before this bill would apply.

Additionally, the certification of an individual shall be revoked if the individual has demonstrated a lack of moral fitness or trustworthiness to carry out the responsibilities under the individual's certification. After investigation, if the division has reason to believe that an individual who is certified may have been convicted of a felony or of a misdemeanor related to perjury or false statement in this state or any other state or jurisdiction, the division may require the individual to submit fingerprints to the division with a current processing fee. The fingerprints shall be forwarded by the division to the Department of Law Enforcement for state processing and shall be forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.

**Section 67** renumbers current s. 633.43, F.S., to become s. 633.428, F.S., and makes minor technical changes.

**Section 68** renumbers current s. 633.44, F.S., to become s. 633.432, F.S., and provides that beside those purposes already listed, an additional purpose of the Florida State Fire College is to ensure professionalism and competence of those who perform firefighting, fire prevention, and associated fire protection functions by administering a system of certification and licensing.

**Section 69** renumbers current s. 633.48, F.S., to become s. 633.434, F.S., and changes references.

**Section 70** renumbers current s. 633.461, F.S., to become s. 633.436, F.S. Current law specifies the allowable uses for funds received from the Insurance Regulatory Trust Fund. One of the current allowable uses is the State Fire Marshal Scholarship Grant Program. The bill deletes this program from the purposes for which the funds used.

**Section 71** renumbers current s. 633.47, F.S., to become s. 633.438, F.S.

**Section 72** renumbers current s. 633.49, F.S., to become s. 633.442, F.S., and makes minor technical changes.



**Section 73** renumbers current s. 633.50, F.S., to become s. 633.444, F.S., corrects references, makes minor technical changes, and adds provisions to the division's duties related to the Florida State Fire College. The bill provides that, in addition to its statutory duties related to the State Fire College, the division must:

- Establish criteria for approving education or training providers, including courses taught.
- Register the approved education or training providers in an electronic database.

An education or training provider must be approved and registered before it can offer a course to fulfill an education or training requirement, and only an approved and registered provider can provide instruction or training that will be recognized by the division as fulfilling an education or training requirement.

**Section 74** renumbers current s. 633.46, F.S., to become s. 633.446, F.S.

**Section 75** requests the Division of Law Revision and Information to create part V of chapter 633, Florida Statutes, consisting of sections 633.502, 633.504, 633.506, 633.508, 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528, 633.532, 633.534, and 633.536, Florida Statutes, and entitled "Florida Firefighters Occupational Safety and Health Act."

**Section 76** renumbers current s. 633.801, F.S., to become s. 633.502, F.S., and provides that the title "Florida Firefighters Occupational Safety and Health Act," which is currently applied to ss. 633.801 – 633.821, F.S., will instead apply to ss. 633.502 – 633.536, F.S.

**Section 77** renumbers current s. 633.802, F.S., to become s. 633.504, F.S., changes references and amends current definitions. Current law defines "firefighter employee" as any person engaged in specifically defined employment. The bill specifies that a "firefighter employee" is a firefighter, a volunteer firefighter, or an individual providing support services. The bill expands the current definition of "firefighter place of employment" to include the physical location at which a firefighter employee is deployed.

**Section 78** renumbers current s. 633.803, F.S., to become s. 633.506, F.S., corrects references, and makes minor technical changes.

**Section 79** renumbers current s. 633.821, F.S., to become s. 633.508, F.S., corrects references, deletes obsolete language and incorporates all the language formerly contained in ss. 633.808(1), 633.808(2), and 633.808(3), F.S., and renumbers those sections to be ss. 633.508(7)(a), 633.508(7)(b), and 633.508(7)(c), F.S., respectively.

**Section 80** renumbers current s. 633.817, F.S., to become s. 633.512, F.S., and corrects references.

**Section 81** renumbers current s. 633.805, F.S., to become s. 633.516, F.S.

**Section 82** renumbers current ss. 633.806(1) and 633.806(2), F.S., to become ss. 633.518(1) and 633.518(2), F.S., respectively, corrects references, and adds provisions. Current law authorizes the division to conduct investigations into the causes of firefighter injuries. The bill expands this authority of the division to conduct studies, investigations or inspections into the causes of

firefighter injuries, illnesses, safety-based complaints or Line of Duty Deaths. The bill also incorporates the language formerly contained in s. 633.815, F.S., and renumbers it to be s. 633.518(3), F.S., with minor technical changes.

**Section 83** renumbers current s. 633.807, F.S., to become s. 633.520, F.S., and corrects references.

**Section 84** renumbers current s. 633.809, F.S., to become s. 633.522(1), F.S., and makes technical changes; renumbers current ss. 633.810(1), 633.810(2), 633.810(3), and 633.810(4), F.S., to become ss. 633.522(2), 633.522(3), 633.522(4), 633.522(5), F.S., respectively; and renumbers current s. 633.813, F.S., to become s. 633.522(6), F.S., with minor technical changes.

**Section 85** renumbers current s. 633.811, F.S., to become s. 633.526, F.S., corrects references, and specifies sanctions that the division may impose for violations by firefighter employers. The bill provides that when the division finds that a firefighter employer has violated any rule adopted under a provision of this part, the division may:

- Issue an administrative cease and desist order, enforceable in the circuit court.
- Assess an administrative fine of an amount between \$100 and \$1,000 for each violation and each day a violation is committed.

The bill also provides that hearings under s. 633.811, F.S., will be conducted in Tallahassee, rather than in the county of the violation, as provided by current law.

**Section 86** renumbers current s. 633.812, F.S., to become s. 633.528, F.S., corrects references, and removes the requirements in current law that a private firefighter employer with 20 or more full-time firefighter employees must provide for a safety committee in the safety program.

**Section 87** renumbers current s. 633.816, F.S., to become s. 633.532, F.S., and corrects references.

**Section 88** renumbers current s. 633.818, F.S., and s. 633.819, F.S., to become s. 633.534(1), F.S., and s. 633.534(2), F.S., respectively, and corrects references.

**Section 89** renumbers current s. 633.814, F.S., to become s. 633.536, F.S., and corrects references.

**Section 90** amends s. 112.011, F.S., relating to disqualification from public employment based on criminal convictions. The bill repeals the current statutory provision that a person with a felony conviction can become eligible to serve as a firefighter after a period of 4 years or if he or she has received a full pardon or has had his or her civil rights restored.

**Section 91** amends s. 112.191, F.S., relating to payments provided to firefighters killed in the line of duty. Current law provides that an adjusted award of \$50,000 be paid when the firefighter is accidentally killed and an adjusted award of \$150,000 be paid when the firefighter's death is the

result of an intentional act of another person.<sup>40</sup> Under current law, the amounts are to be adjusted by agency rule to reflect changes since the “effective date of the act,” based on the Consumer Price Index For All Urban Consumers published by the U.S. Department of Labor. The bill provides that the division is to apply the Consumer Price Index For All Urban Consumers to reflect price levels since July 1, 2002, and publish the resulting amounts on the division’s website.

**Section 92** amends s. 120.541, F.S., to move into the text of that section the provisions that are currently noted in footnote 1 of that section. The effect of the bill is to specify that triennial updates and amendments to the Florida Building Code and triennial updates and amendments to the Florida Fire Prevention Code are exempt from legislative ratification.

**Section 93** amends s. 196.081, F.S., to move the text of its current footnote 1 into the body of the statutory section. The effect is to create a new s. 196.081, F.S., which provides an exemption from property tax on a homestead owned by a surviving spouse of a first responder who died in the line of duty. The bill defines a first responder to be a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic.

**Section 94** repeals s. 633.024, F.S.

**Section 95** repeals s. 633.0245, F.S.

**Section 96** repeals s. 633.03, F.S. The text of current s. 633.03, F.S., is moved to become new s. 633.112(6), F.S.

**Section 97** repeals s. 633.0421, F.S. The text of current s. 633.0421, F.S., is moved to become new s. 633.142(11)(b), F.S.

**Section 98** repeals s. 633.13, F.S. The text of current s. 633.13, F.S., is moved to become new s. 633.114(2), F.S.

**Section 99** repeals s. 633.167, F.S. Portions of the repealed text are incorporated into new s. 633.106, F.S.

**Section 100** repeals s. 633.18, F.S. The text of current s. 633.18, F.S., is moved to become new s. 633.112(5), F.S.

**Section 101** repeals s. 633.30, F.S. Portions of the repealed text are incorporated into new s. 633.102, F.S.

**Section 102** repeals s. 633.32, F.S. The text of current ss. 633.32(1), (2), (3), and (4), F.S., is moved to become new ss. 633.402(5), (6), (7), and (8), F.S., respectively.

**Section 103** repeals s. 633.33, F.S., The text of current ss. 633.33(1), (2), (3), (5), and (6), F.S., is moved to become new ss. 633.402(9)(a), (b), (c), (d), and (e), F.S., respectively.

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<sup>40</sup> Section 112.191(2), F.S.

**Section 104** repeals s. 633.37, F.S. Portions of the repealed text are incorporated into new s. 633.408, F.S.

**Section 105** repeals s. 633.445, F.S.

**Section 106** repeals s. 633.46, F.S. Portions of the repealed text are incorporated into new s. 633.132, F.S.

**Section 107** repeals s. 633.514, F.S. The text of current ss. 633.514(1) and (2), F.S., is moved to become new s. 633.302(4) and (5), F.S., respectively

**Section 108** repeals s. 633.517, F.S. Portions of the repealed text are incorporated into new s. 633.112, F.S.

**Section 109** repeals s. 633.524, F.S. Portions of the repealed text are moved into new s. 633.132, F.S.

**Section 110** repeals s. 633.804, F.S.

**Section 111** repeals s. 633.808, F.S. The text of current s. 633.808(1), (2), and (4), F.S., is moved to become new s. 633.508(7)(a), (b), and (c), F.S., respectively.

**Section 112** repeals s. 633.810, F.S., Current ss. 633.810(1), (2), (3), and (4), F.S., are renumbered to become new ss. 633.522(2), (3), (4), and (5), F.S., respectively.

**Section 113** repeals s. 633.813, F.S. Current s. 633.813, F.S., is renumbered to become new s. 633.522(6), F.S., with minor technical changes.

**Section 114** repeals s. 633.815, F.S. Current s. 633.815, F.S., is renumbered to become new s. 633.518(3), F.S., with minor technical changes.

**Section 115** repeals s. 633.819, F.S. Current s. 633.819, F.S., is renumbered to become new s. 633.534(2), F.S., with corrected references.

**Section 116** repeals s. 633.820, F.S.

**Sections 117-160** makes changes to cross referencing to reflect new chapter organization.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

To the extent this bill requires a local government to expend funds to comply with its terms, the provisions of s. 18(a) of Art. VII, State Constitution, may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest (included in section 4 of the bill), and one of the following relevant exceptions must be met:

- Funds estimated at the time of enactment sufficient to fund such expenditures are appropriated;
- Counties and cities are authorized to enact a funding source not available for such local government on February 1, 1989, that can be used to generate the amount of funds necessary to fund the expenditures;
- The expenditure is required to comply with a law that applies to all persons similarly situated; or
- The law must be approved by two-thirds of the membership of each house of the Legislature.

Since the provisions of the bill apply to all governmental entities alike, expenditures required by the bill are required by all persons similarly situated. Given this relevant exception, it appears that the mandate restriction does not apply.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

A \$10 fee is created instead of having fire equipment dealers pay for a new application fee (\$150 -\$250) for downgrading their license. Also, the fee for duplicate fire equipment license or change of address has been reduced from \$15 to \$10.

**B. Private Sector Impact:**

The Revenue Estimating Conference has not reviewed the bill. The following provisions of the bill could potentially generate varying indeterminate private sector fiscal impacts.

Under changes in the bill a person could be charged with a felony for impersonating a volunteer firefighter.

The bill creates requirements for becoming a certified volunteer firefighter and fire service instructor.

The bill requires a license, permit, or certificate holder must notify the division in writing of any changes to her or his current mailing address or e-mail address. Delivery by regular mail or e-mail using the last known mailing address or e-mail address on record shall constitute adequate and sufficient notice on any official communication by the division.

The bill increases from 3 years to 4 the number of years a fire safety inspector certificate is valid, increases the continuing education requirements for a fire safety inspector from 40 hours to 54 hours and requires repeat training for fire safety inspectors whose certification has lapsed for 8 years or more.

The bill allows fire equipment dealer applicant's with facilities outside of the state, instead of paying for an inspection completed by the division, can provide a notarized statement from a professional engineer licensed by the applicant's state verifying the applicant possesses the equipment required for the class of license sought and that all such equipment is operable.

The bill requires a fire equipment dealer applicant who has been convicted of a felony to wait 4 years after the end of their sentence or final release by the Parole Commission, unless they have received a full pardon or have had her or his civil rights restored, before applying again.

The bill removes current restrictions on the number of reexaminations for a fire equipment dealer license in a given year but requires that an applicant who passes the exam has 1 year from the application date to complete the licensure requirements or else the applicant must reapply.

The bill removes the restriction that the State Fire Marshal cannot revoke a license for more than 5 years, allowing a license to be revoked indefinitely.

The bill allows for a fire service provider to pay part or all of the costs of tuition for attendance at approved courses. In addition, it allows for firefighters from other states to be certified if the division determines their training meets the minimum training required under this section. The bill also allows for an extension of the 6-month reexamination period based upon documented medical necessity.

The bill would ban any convicted felon or dishonorably discharged member of the armed services from obtaining licensure as a firefighter.

The bill requires, when the division suspends or revokes an individual's certificate, the division must suspend or revoke all other certificates issued by the division.

The bill increases the number of years a Firefighter Certificate of Compliance is valid from 3 to 4. The Continuing Education requirements remain at 40 hours.

**C. Government Sector Impact:**

The Revenue Estimating Conference has not reviewed the bill. The following provisions of the bill could potentially generate varying indeterminate government sector fiscal impacts.

The bill clarifies the State Fire Marshal shall be required to investigate and keep records on the cause, origin and circumstance of every explosion that occurs in the state.

The Florida Fire Code Advisory Council must meet at least semiannually to advise the State Fire Marshal's Office on matters relating to the Florida Fire Prevention Code.

The bill requires uniform firesafety standards are to be applied to state universities defined under s. 1000.21, F.S.

The bill allows a special district to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to secure compliance with state and local building laws or to enforce other local laws for the protection of the public health and safety.

The bill adds a member to the Firefighters Employment, Standards, and Training Council who is to be an employee of the Florida Forest Service appointed by the director of the Florida Forest Service at the Department of Agriculture and Consumer Services., fire technology, fire administration, and all allied and supporting fields.

The bill provides that the division must establish criteria for approving education and training providers and register the approved providers in an electronic database. The DFS believes this responsibility will be met with existing resources.

The bill expands the authority of the division to conduct studies or investigations into the causes of firefighter illnesses, safety-based complaints or Line of Duty Deaths. The DFS believes this responsibility will be met with existing resources.

The bill provides that if the division finds that a firefighter employer has violated a rule, it can issue an administrative cease and desist order, enforceable in the circuit court.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the CS.)

**CS/CS by Community Affairs April 9, 2013:**

- Removes certain Contractor I and Contractor II duty specifications.
- Removes a provision applying uniform firesafety standards to state universities.
- Revises local entity and State Fire Marshal roles for initial and department investigations of fires and explosions in the state.
- Restores provisions related to the application of the minimum firesafety code to an existing building.

- Revises how alternate members of the nonbinding Fire Code Interpretation Committee are called upon to respond when interpretations are requested.
- Extends the length of time by which an interpretation must be provided from 10 days to 15 days.
- Provides for a yes/no question on the interpretation form.
- Removes state universities from a definition of state-owned buildings.

**CS by Banking and Insurance April 3, 2013:**

- Clarifies a Contractor I may perform all of the duties specified for a Contractor II, Contractor III, Contractor IV, and Contractor V; a Contractor II may perform the duties specified for a Contractor IV and Contractor V; and a Contractor IV is limited to the scope of practice specified in NFPA 13D.
- Adds “or fire prevention services” to the definitions for “fire service provider.”
- Changes “every 4 years” to “quadrennial” renewals.
- Removes “to be furnished by the State Fire Marshal” when referring to investigative forms.
- Increases from 3 years to 4 years the time an education instructor must complete their 40 hours of continuing education.
- Removes language stating the division may establish by rule any fee necessary to cover administrative costs and clarifies that all moneys collected by the State Fire Marshal shall be deposited into the Insurance Regulatory Trust.
- Removes “if necessary” with regard to the meeting by the Florida Fire Code Advisory Council.
- Reestablishes current law that uniform firesafety standards must be applied to public food service establishments, lodging parks, recreational vehicle parks, recreational camps and self-service gasoline stations.
- Increases from 2 years to 4 years the time a fire equipment dealer license may be inactive before being voided.
- Allows a Contractor V may install the cross-connection backflow prevention device as defined on new installations following the engineer of record’s direction on the type and size of the device.
- Changes “Fire Service Instructor Certificate” to “Certificate of Competency.”
- Requires the certification of an individual shall be revoked if the individual has demonstrated a lack of moral fitness or trustworthiness to carry out the responsibilities under the individual’s certification. After investigation, if the division has reason to believe that an individual who is certified may have been convicted of a felony or of a misdemeanor related to perjury or false statement in this state or any other state or jurisdiction, the division may require the individual to submit fingerprints to the division with a current processing fee. The fingerprints shall be forwarded by the division to the Department of Law Enforcement for state processing and shall be forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.
- Adds “including courses taught” with regard to criteria for approving education or training providers.
- Removes the original bill’s provisions that emergency rules may be subject to legislative notification when the economic impact exceeds certain levels.



- Renumbers current s. 633.46, F.S., to become s. 633.446, F.S.
- Removes Section 93 dealing with s. 554.103, F.S., Boiler Code.
- Removes Sections 96 and 97 dealing with firework safety standards and firework dealer fees.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the CS's introducer or the Florida Senate.

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